While we have these concerns, we also find certain provisions in S.2423 to be especially admirable. The so-called "Son of Sam" provision, for example, may not significantly increase the revenues in the proposed victim assistance fund, but it is appropriate in principal. Criminals should not benefit from the commission of crimes; and, any financial gain made from crime should go to the aid of crime victims.

Further, we support language in S.2423 which calls for improved collection of federal criminal fines. States' efforts in this regard have substantially increased revenues; so there is every reason to believe that improved federal fine collection would increase the revenues available for victim compensation and victim assistance.

Finally, we were pleased to note that the proposed Federal Victims of Crime Advisory Committee would include non-federal representatives with expertise in victim assistance. As victim assistance has not been a programmatic undertaking of the federal government in previous years, we feel that much benefit can be gained from the inclusion of private sector representatives.

In conclusion, we would like to commend this Committee for taking such prompt action on the Crime Victims' Assistance Act; and, we look forward to its swift and successful passage in the Senate.

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NCASA NATIONAL COALITION AGAINST SEXUAL ASSAULT
Room 402, 955 South Columbus Street, Arlington, Virginia 22204 (703) 671-1043

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May 16, 1984

Honorable Strom Thurmond
Chairman, Committee on the Judiciary
United States Senate
Washington, D. C. 20510

ATTN: Deborah Owen

Dear Mr. Chairman:

Per your request, I am enclosing my response to questions from yourself and Sen Biden to complete the hearing record on S. 2423.

NCASA was grateful for the opportunity to have participated in hearings on this much needed legislation; and hope your staff will keep us informed as to scheduling for floor vote on S.2423.

Sincerely,

Mary Ann Largen

Mary Ann Largen
Director, Governmental Affairs

Encls

MAL/ds

SENATOR THURMOND'S QUESTIONS FOR PANEL I

Q: DO YOU HAVE ANY SUGGESTIONS AS TO HOW THE FEDERAL GOVERNMENT CAN BETTER COORDINATE VICTIMS' ACTIVITIES WITH THE STATES?

A: Since many crime victims under federal jurisdiction receive assistance from states' victim assistance programs, it would be useful for the Department of Justice to conduct a needs assessment survey before developing its own victim assistance plans. From such a survey, an estimated number of federal jurisdiction victims now receiving services, and those in need of services, could be more accurately determined; as could the specific type(s) of services most needed by the federal victim population. Further, through the contact with states' programs which such a survey would provide, both the necessary extent of, and type of, coordination needed between the federal government and states could be better determined.

Better universal coordination of victim assistance between the federal government, states', and local jurisdictions could be promoted if the Department of Justice would sponsor annual information exchange forums for these entities. New developments in the victim assistance field frequently go unnoticed, leading to much "reinvention of the wheel." Federal/state cosponsored exchange forums would be most helpful.

Q: IN ADDITION TO VICTIM COMPENSATION AND ASSISTANCE, WHAT OTHER FEDERAL LEGISLATIVE INITIATIVES WOULD YOU RECOMMEND TO ASSIST CRIME VICTIMS?

A: Legislation to prohibit live television coverage of sexual assault trials.

RESPONSE TO SENATOR BIDEN'S QUESTIONS

Q: WHAT TYPES OF UNIQUE SERVICES DO RAPE VICTIMS REQUIRE THAT ARE DIFFERENT FROM OTHER VICTIMS OF CRIME?

A: Other than the confidentiality with which rape victim services are provided, none really.

The services traditionally provided to sexual assault victims of all ages have been crisis intervention services. These consist of 24-hour hotlines, individual and group counseling, escort services (to hospitals, police and courts), and medico-legal information and referral services. Crisis intervention services presume the assault has posed a situational life crisis for the victim. A situational crisis disrupts lifestyles, poses coping problems, and has the potential for long-term psychological consequences without early crisis intervention.

Over the past decade, psychiatrists, sociologists, and criminologists have come to recognize all forms of criminal victimization as posing a situational crisis for the victim. Victims of crimes against persons -- particularly violent crimes -- simply have the greatest potential for long-term reprucussions. Therefore, it is NCASA's position that all victims of crime could benefit from crisis intervention services; not just sexual assault and family violence victims. As you may know, that is the position reflected in H.R. 3498.

Q: HAVE YOU NOTICED A GREATER AWARENESS OF THESE NEEDS BY TRADITIONAL LAW ENFORCEMENT AGENCIES OVER THE PAST FEW YEARS?

A: Yes I have. The establishment of the nation's first rape crisis centers in the early 1970's focused public attention on the plight of sexual assault victims in a significant way. As a result of that attention, law enforcement officers today generally seem more sensitive to the feelings and needs of these victims.

Q: WHAT TYPES OF RAPE VICTIM SERVICES DO YOU BELIEVE CAN BE PROVIDED UNDER THIS PROGRAM THAT ARE EITHER CURRENTLY INADEQUATE OR DO NOT EXIST?

A: Nationwide, rape victim services are inadequate in two respects. First, despite the fact that rape crisis centers have grown from the founding three to over 700 in the past decade, there are still thousands of communities without these services. Secondly, many centers across the country are seriously underfunded and unable to provide the full range of free community services offered by other centers. A reliance on volunteers to help provide victim services enables underfunded centers to maintain a minimal level of services; but, inadequate funding often prohibits a maximum delivery of services.

Unfortunately, underfunding has been a chronic problem for the rape victim assistance field since its inception. Only seven states have provided grant support for rape crisis centers; and, traditional funding sources such as private foundations and corporations have not been a reliable source of support. Association with the sexual assault issue, unlike association with other charitable causes, is not seen by these entities as enhancing their public image. Therefore, ensuring the continuity of existing service programs has been a priority of NCASA for some time now.

Upon enactment of the Justice Assistance Act, funding will be available for new victim assistance programs; and, through the proposed Crime Victims Assistance Fund, support for existing programs will be available. If these proposed funds are not, as they were in the days of LEAA, channeled disproportionately into public sector criminal justice programs, we feel the current Congressional initiatives will offer much needed relief to the private sector victim assistance field.

Q: HOW IMPORTANT DO EACH OF YOU BELIEVE IT IS TO THE VICTIMS OF CRIME TO HAVE THE OPPORTUNITY TO TESTIFY BEFORE SENTENCING OR PRIOR TO A PAROLE HEARING FOR THEIR ASSAILANT?

A: NCASA has not adopted a formal policy on the issue of victim involvement in parole hearings. We did, however, actively support the Victim and Witness Protection Act of 1982 which contained a requirement that federal judges review a victim impact statement prior to sentencing. And, we have supported similar legislative initiatives in states' laws.

We feel it is most important to the emotional recovery of sexual assault victims to have an opportunity to impress upon the court the ramifications the crime has had upon their lives. During the course of the trial, the victim is usually denied that opportunity through the calculated questioning and objections of defense attorneys. However, because many victims cannot bear the ordeal of facing their assailants repeatedly in court, we feel they should be given the options of either testifying in person or submitting a written statement. In that manner, every victim has the same opportunity; but, can pursue it in a manner which is most comfortable for each.

We would also like to suggest that where the crime victim is deceased, or a minor child, the parent, spouse, or other appropriate survivor be extended the same opportunity to speak before sentencing.

MARY ANN LARGEN
NATIONAL COALITION AGAINST SEXUAL ASSAULT

The CHAIRMAN. I have a few questions here. Anyone on the panel can answer.

S. 2423 is distinguishable from some other victims compensation measures in that it severely limits the number of requirements imposed on the States as a condition of receiving assistance. Do you concur in this general approach?

Mr. LOGAN. Yes, if you are comparing it to the House resolution.

The CHAIRMAN. In other words, it leaves the States more latitude.

Mr. LOGAN. Yes, because in many cases some States have better services available than others. Some programs, for example, violent crimes compensation funds, are well funded and the Federal funds will only go to surpluses. We believe that, by allowing the States to make the decisions on how the funds will be spent, will make sure that they are better used.

Mrs. LARGEN. We would agree, too, sir, that S. 2423 gives States more flexibility in deciding how to use their victims compensation funds.

The CHAIRMAN. Is that your feeling?

Mrs. LARGEN. Yes, sir.

The CHAIRMAN. Is that your feeling?

Ms. HILLENBRAND. That is our feeling generally. We would suggest a few other requirements which are advocated by the National Conference of Commissioners of Uniform State Laws, such as the Good Samaritan coverage. We feel strongly that persons who are trying to help a victim should also be covered.

The CHAIRMAN. Several witnesses in their prepared statements have expressed concern about the funds that potentially may revert to the General Treasury under S. 2423, as introduced. Could you address that concern and suggest any solution which you might feel appropriate?

Mrs. LARGEN. I think, if I am responding to your question, that our concern was that the moneys which remain unspent—the victim compensation moneys that are unspent by States—should go back to the victim assistance fund and not to the General Treasury. We feel that those moneys could be put to better use.

VICTIMS OF CRIME TO TESTIFY

The CHAIRMAN. S. 2423 would permit victims of crime to testify before the U.S. Parole Commission about the impact that the crime had on their lives. What beneficial results would follow from this, in your judgment?

Ms. HILLENBRAND. The American Bar Association has approved a policy allowing the victim to speak at the plea negotiation stage and at the sentencing stage. We do not have anything specifically on point as far as parole hearings go, but the purpose of having the victim speak at the sentencing and at the plea negotiation stage is to ensure that those making the decisions have all the information they should have before them. It seems logical to assume that that would be the purpose of the parole statement, also.

The CHAIRMAN. We may have a few questions for the record. We will pass them to you. Without objection, that will be inserted into the record.

I want to thank the members of this panel very much. We appreciate your being here. You have added greatly to this hearing.

Our next panel includes Ronald Zweibel, president, National Association of Crime Victim Compensation Boards; Mr. H. Jerome Miron, director, National Sheriffs' Association Victim Witness Program; Mr. William H. Matthews, executive director, National Organization of Black Law Enforcement Executives; and Ms. Donna Medley, Executive Director, National Coalition Against Domestic Violence.

Do you want your entire statement to go into the record, Mr. Zweibel?

Mr. ZWEIBEL. Yes, I do, sir.

The CHAIRMAN. All right, you can then just talk off the cuff. Just give us the main points you want to stress.

STATEMENTS OF A PANEL CONSISTING OF RONALD A. ZWEIBEL, PRESIDENT, NATIONAL ASSOCIATION OF CRIME VICTIM COMPENSATION BOARDS; H. JEROME MIRON, DIRECTOR, NATIONAL SHERIFFS' ASSOCIATION VICTIM WITNESS PROGRAM; WILLIAM H. MATTHEWS, EXECUTIVE DIRECTOR, NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES; AND DONNA MEDLEY, EXECUTIVE DIRECTOR, NATIONAL COALITION AGAINST DOMESTIC VIOLENCE

Mr. ZWEIBEL. Mr. Chairman, I would just like to offer a few brief comments on some of the provisions which I believe are critical in this bill.

With regard to the Son-of-Sam provision, I am gratified to see in the subject legislation a provision similar to New York's law aimed at ensuring that moneys which would otherwise be paid to the criminal for use of the crime story by the media will instead be paid to the victims of these criminals. I am, however, constrained to note that this provision, as presently drafted, would unnecessarily preempt State laws. In my opinion, a wiser course would be to permit the States to exercise concurrent jurisdiction in this area.

With regard to disbursement of the fund, it is estimated that $45 to $75 million would be deposited into the fund in the first year, with 50 percent being available to State compensation programs. With these figures in mind, while the fund would appear to be more than ample to provide adequate funds to the State crime victim compensation, certain disbursement criteria would require that available funds could not be used to supplant available State funds; moneys earmarked for State compensation programs would be limited to 10 percent of the amount paid out by the States for compensation awards.

These provisions would seem to defeat the stated intent and purposes of the act, sparked by the recommendations of the President's Task Force on Victims of Crime. As an example, under the bill's present funding formula, State compensation programs would receive a maximum of $5.9 million for 1983, while the Federal Treasury would receive by way of reversion at least $20.1 million, assuming total collections of $50 million.

Under the bill's nonsupplantation clause, all States with compensation programs would be required to certify that any Federal

moneys received would be used to increase the amount of funds expended by the State to compensate victims of crimes. This provision, while apparently a well-intentioned attempt to prevent States from reducing their funding commitment to victim compensation, may indeed have the opposite effect by discouraging State participation in the Federal program.

With the recognition that States are frequently unable to adequately support their crime victim compensation programs, one effective means of providing Federal assistance is to allow a supplement of funds. In an effort to lend more balance to the reimbursement formula, serious consideration should also be given to increasing the 10-percent limitation to a more realistic level of 50 percent, as contained in H.R. 3498.

In closing, I would like to thank the committee for the opportunity to provide testimony before you today. This type of Federal legislation is certainly both justified and long awaited by States and local communities across the country. With adequate assistance from the Federal Government, the small steps that the States have been able to take to provide needed services to crime victims can become great strides toward relieving the physical, emotional, and financial crises that millions of law-abiding citizens face after being victimized by violent crimes.

Thank you.

The CHAIRMAN. Thank you very much. Mr. Miron, we will be glad to hear from you.

Mr. MIRON. Thank you, Mr. Chairman.

The CHAIRMAN. Would you like your entire statement to go into the record?

Mr. MIRON. Yes, sir.

The CHAIRMAN. Without objection, that will be done.

Mr. MIRON. My name is Jerry Miron. I am the director of the National Sheriffs' Association Victim Witness Program. The National Sheriffs' Association is, as you know, a professional criminal justice association of 45,000 members, including 46 State sheriffs' associations. As an association, we strongly support this bill because the legislation provides leadership and stated national policies that will in time expand the ability of the justice system agencies and citizen-based groups to bridge the gap between victim needs and the manner in which the justice system organizes its resources and those of the community to meet those needs.

In this context, we accept as a given the dual problem, namely victim needs and the corresponding need for change in the justice system. Other witnesses have addressed more eloquently than we what the dimensions of those needs are. We have three brief comments about three parts of the legislation that we feel may contribute to the stated intention of the bill to expand services to victims nationwide.

Our first comment deals with victim compensation, section 201 and section 202. As you know from an analysis of this section, there are 38 States and the District of Columbia that currently have compensation programs. Only those States will be entitled to share in that portion of the fund for receipt of supplemental grants to support their own victim compensation programs. Enactment of this bill will, of course, acknowledge and reward those 38 States.

While it might be argued that the provisions of the bill set forth here would also provide an incentive for those States not having such legislation to move forward to establish it, it might be more likely that it would not as the bill is written. Therefore, we recommend either language in the bill or subsequent regulations that would enable in section 202 the chief executive of a State to certify to the Attorney General that the States that are not covered through their own compensation bills are creating de novo a victim compensation program, that the program will be in place and financed by the State within a prescribed timeframe, and that the State will comply with the other requirements of section 202.

The amount of the fund to be received by such States could be considered as a modest incentive to encourage this first-year phase only of their victim compensation program. The prescribed amount of the fund can be calculated for such available States in their first year on the basis of an appropriate population formula.

Section 203 stipulates how funds received by the States from the victim assistance pool of the fund are to be used. In examining the eligibility criteria, we note that, taken together, these mandatory eligibility requirements will target these grants only on those agencies or governmental units that now exist that have a history of practice that have existing funding sources that have linkages to other local service providers and that have the organizational skill and resources sufficient either to develop or to participate in locally established coordinating mechanisms.

As you know, there is no accurate national census that could enumerate those victim-servicing organizations, whether in the justice system or in local communities, that could conform to these mandates. Enactment of this bill will, as in our prior remarks, reward those that are in place. If one assumes that the legislation creates a kind of model victim servicing organization, then the effect would be to hold up this model as one to be emulated. However, we suggest that language could be contained in section 203 that could authorize the State administrator to have the discretionary authority, subject to appropriate Federal and State regulations, to set aside a modest percentage of annual funds to support the establishment of new, previously nonexistent, victim assistance programs or projects that show promise of conforming to the victim assistance model envisioned in this legislation.

Moreover, the State administrator could be authorized to leverage and expand this discretionary fund by using it either as a source for cash match with newly appropriated State funds for the establishment of new programs or as a cash match against funds to be provided by the organization or unit of government that is just beginning a victim assistance program and applies to the States for financial support.

Finally, in section 203 the role of the State administrator is specified. It seems clear that this State administrator will play a pivotal role in this Federal-State partnership legislation on behalf of victims. To further the stated purpose of this bill, namely to promote the development of new services, may we suggest that language be added that describes a notification and information dissemination role of this State administrator as a condition for his work. Other technical language contained in our witness statement is given

with the hope that the bill will be strengthened in accomplishing its stated national goal of expanding services.

The National Sheriffs' Association will be pleased to provide further information to the committee and its staff in its deliberations on this bill. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much. I appreciate your being here.

Next is William H. Matthews. We will be glad to hear from you.

Mr. MATTHEWS. Mr. Chairman, my name is William Matthews, executive director of the National Organization of Black Law Enforcement Executives. We very much appreciate your invitation to appear before you today to present our brief remarks on the importance of financial and other assistance to victims of crime and the provisions of S. 2423.

I shall attempt to orally highlight and clarify salient aspects of my remarks. I wish my written remarks to be part of the record with these clarifications.

The CHAIRMAN. Thank you very much.

Mr. MATTHEWS. The National Organization of Black Law Enforcement Executives endorses the general thrust of this legislation. We believe, however, that the importance of victims' rights and services to victims of crime, including compensation, demands a more significant allocation and a more stable source of funds than is proposed in the legislation through the assessment and distribution of fines on Federal criminal defendants. Moreover, we feel that you should take a look at section 102 very carefully. There may be a question as to whether or not the law shall address defendants who are legally innocent of alleged crimes until proven guilty. This section may create bureaucratic and administrative problems in terms of monitoring and accounting for defendant profits.

NOBLE is in strong support of section 104, which provides victims the opportunity to appear at parole hearings for the purpose of giving the parole authority a victim impact statement. We believe this section could be strengthened further through an amendment permitting a representative of the victim to appear as well, since the primary victim may be dead, traumatized, or otherwise unable to appear, or may be without relatives or survivors.

NOBLE also hopes that the committee will consider a longer period of time than is presently anticipated for the imposition of a sunset date. We believe that, while a definite period be established for evaluating the effectiveness of the legislation, the December 31 date for the Attorney General report does not provide an adequate period for meaningful review of the program.

In addition, we would like to make some observations on a few of the provisions governing disbursements from the fund to the States.

First, we are pleased that the bill requires the compensation to crime victims include the cost of mental health counseling.

Second, we are concerned, however, that the bill prohibits money from the fund being used to pay for administrative expenses of a State's victim compensation program. We believe that, since reasonable and efficient administration is an essential part of any service delivery system, it would be more realistic to place a ceiling

of maybe perhaps 10 percent on the payment of administrative costs, rather than an outright prohibition.

NOBLE would like to see any Federal moneys that remain after all allocations to the States for victim compensation have been made to remain in the crime victims assistance fund rather than to be distributed to the General Treasury.

Finally, we believe that the thrust of the eligibility requirements under section 203 for recipients of money from the 30-percent victim assistance pool may restrict and otherwise adversely impact many of the community self-help and service provider groups who, after all, are usually those closest to the problems faced by victims.

While demonstrating a record of quality victim assistance and having financial support from sources other than the fund itself are both noteworthy criteria, it must be recognized that they unquestionably favor the more established and traditional organizational sources of victim assistance and service delivery, while discouraging the formation of new and responsible community service groups. At the very least, those more well-established organizations who are likely to meet the eligibility criteria should be required to assist in the formation of new community groups and to share their financial and other resources with them. This can benefit the victim of crime, and that is, after all, what we are all here to do.

Thank you very much.

The CHAIRMAN. Thank you. We are very pleased to have you with us.

Our next witness is Ms. Donna Medley.

Ms. MEDLEY. Thank you, Mr. Chairman. I would like my testimony to be read into the record.

The CHAIRMAN. Without objection, your entire statement will go into the record. You can just highlight it.

Ms. MEDLEY. Yes, I will.

The National Coalition Against Domestic Violence is a grassroots membership organization of more than 700 shelter programs for battered women and their children and many other domestic violence programs and supporters throughout the country. We formulated basically three major concerns with a bill that we are strongly supporting.

The first concern would be that the funds generated would be disbursed in a manner best fitting the purposes of the act. One of the purposes is to encourage States to provide direct financial assistance to victims of crime. The States with existing victim compensation programs will be able to increase the amount of money that they spend on victim compensation. But we are concerned that those States without victim compensation programs will be left far behind. We, therefore, recommend that a 50-percent ceiling on reimbursement to the States be instituted, rather than the 10 percent, or some other mechanism which would truly provide an incentive to those States without victim compensation programs.

Our major concern is for the disbursement plan to consistently channel funds toward the benefit of victims and only upon satisfaction of fundamental victim needs should money revert to the general fund of the treasury. Therefore, we recommend that any victim compensation funds remaining unspent be available for award to the States' victim assistance programs.

If we estimate that the fund would hold $60 million and, of that, $18 million under the present proposal would be available for victim assistance programs, the end result would be something less than $9,000 on an average for the existing shelter, rape crisis center, victim witness program, and other service programs. Nine thousand dollars may keep some doors from closing, but it does not satisfy the basic legitimate needs of vast numbers of victims.

In terms of domestic violence alone, we have documented the fact that shelters are able to provide safety for less than half of the women requesting that protection. One shelter in an urban area turns away 80 to 100 women and children every single month.

Surplus victim compensation funds, if any, could be readily and most appropriately applied to services for victims in crisis.

I think our final recommendation would simply be to eliminate section 204 but to absorb it in the rest of the bill in this way. Of that 20-percent fund, 10 percent would go to increase the victim assistance programs. The other 10 percent would be applied to court-assisted programs and would take it out of those three categories of crisis assistance, notification criminal justice, and help with the victim compensation program. Make it separate and just administratively easier for the States.

Thank you.

The CHAIRMAN. Thank you very much.

Without objection, at this point we will insert all of your statements into the record.

[The material referred to follows:]

TESTIMONY

OF

RONALD A. ZWEIBEL

PRESIDENT OF THE NATIONAL ASSOCIATION OF CRIME VICTIM COMPENSATION BOARDS

AND

CHAIRMAN OF THE NEW YORK STATE CRIME VICTIMS BOARD

INTRODUCTION AND PREFACTORY REMARKS:

Good afternoon. Mr. Chairman and Members of the Committee, my name is Ronald A. Zweibel. Currently, I am President of the National Association of Crime Victims Compensation Boards and Chairman of the New York State Crime Victims Board. At present, there are 39 state crime victim compensation programs, including the District of Columbia and the Virgin Islands. At the end of 1983, these programs received over 36,000 claims and provided awards to more than half for a total expenditure of over $59 million paid out in compensation to innocent victims of crime. In New York State for fiscal year 1983, the Crime Victims Board received 9,000 claims and made awards to 3,301 for a total expenditure of $8.8 million paid out in compensation.

It is my pleasure to have an opportunity to speak to you today, for my capacity as President of the National Association and as Chairmen of the New York State Crime Victims Board, one of the oldest and largest operating compensation programs, has given me a unique vantage point which I would like to share on compensation and victim assistance. I would like to take this time to express my position on the Victims of Crime Assistance Act of 1984 which would establish a Crime Victims' Assistance Fund for the purposes of providing Federal financial assistance to state crime victim compensation programs as well as to local and Federal victim assistance programs.

I doubt that there is one person in this room, today, that can deny that as long as criminal violence is perpetrated against the innocent, that the victims of such violence have legitimate needs deserving of adequate assistance. In my own State as well as 38

others, efforts are continually being made to provide the level of assistance necessary to meet the needs of those crime victims filing for compensation. This task is not easy and the burden has been weighty as states have been totally shouldering the responsibility for the well-being of crime victims from the inception of the first compensation program in 1965. And, as state crime victims compensation programs have been established and expanded over the course of almost 20 years, the legitimacy of the needs of crime victims has not been enough to ensure that funding for these programs would be adequate, much less keep up with inflation.

For many crime victims, compensation for essential property loss, rehabilitative and replacement service is unavailable. Even the provision of compensation for basic losses such as medical expenses, loss of earnings or support, and funeral costs is not adequate due to unrealistic caps placed on maximum benefits available. These caps are most generally attributable to inadequate program funding. Also, while crime victims are in need of adequate financial assistance to alleviate the many expenses sustained as a result of being victimized, there is a continued need to provide adequate funding for victim/witness assistance programs, established at the local level, to provide basic criminal justice information and community resource assistance, information, and counseling. Victim/witness assistance programs in conjunction with crime victim compensation establish a well-rounded service delivery system which seeks to address the basic welfare of crime victims in terms of their short and long-term physical, financial, and emotional needs. Without the availability of both services, crime victims may find themselves unable to function independently with little recourse left, aside from turning to various forms of public assistance.

It would appear that the "Victim of Crime Assistance Act" has all the necessary components to provide a stable source of additional funding which state crime victim compensation as well as local victim assistance programs could use to enhance existing service delivery systems. In this manner, assistance would become more effective and truly responsive to many of the expressed needs of crime victims which are currently unmet. I would like to take the rest

of my time to speak on several specific points of the Act which merit comment and consideration.

Son of Sam:

Since 1977, when New York first enacted a statute titled "Disposition of Moneys received as a result of a crime" (Executive Law, §632-a, popularly known as the "Son of Sam" law), at least 17 other states have enacted similar laws.

I am gratified to see in the subject legislation a similar provision aimed at ensuring that monies which would otherwise be paid to the criminal for use of the crime story by the media will instead be paid to the victims of these criminals.

I am, however, constrained to note that this provision as presently drafted would unnecessarily pre-empt state laws. In my opinion, a wiser course would be to permit the states exercise concurrent jurisdiction in this area. In those cases involving interstate transactions between a criminal perpetrator and book publishers or motion picture producers, or in cases where crime victims are located in several states, Federal jurisdiction could potentially secure victims their rights more effectively than the application of one or more state laws. However, in cases involving criminal acts, contracts, and crime victims all located within a single state with an established and court-tested "Son of Sam" Law, that state's jurisdiction should be preferred.

I believe concurrent jurisdiction with the states is particularly important due to a constitutionally untested feature in the bill which would have the federal government confiscate the media profits of a person committing a crime independent of the victim obtaining a civil judgement. New York and most states use a stakeholder rather than a confiscatory approach. The New York State Crime Victims Board acts as a neutral stakeholder in order to ensure that victims' claims are settled before monies are paid to the criminal or his representatives. I would suspect that several years after enactment of a federal law in this area, there would be one constitutional challenge after another to such a statute. Should a federal confiscatory law that pre-empts all state laws be found unconstitutional, a situation could develop where both the Federal government and the states would find it legally

difficult to prevent the enrichment of infamous criminals at the expense of their victims.

Funding and Disbursement of the Fund:

Under the provisions of this Act, a Crime Victims' Assistance Fund would be established in the U.S. Treasury into which criminal fines imposed in Federal cases, as well as royalties and other monies paid to a convicted Federal defendant as a result of any contract made to depict his criminal act would be deposited. It has been estimated that $45-75 million would be deposited into the Fund in the first year with 50% being available to state compensation programs. With these figures in mind, while the Fund would appear to be more than ample to provide adequate funds for state crime victim compensation, certain disbursement criteria require that:

(1) available funds could not be used to supplant available state funds,

(2) monies earmarked for State compensation programs would be limited to 10% of the amount paid out by the states for compensation awards. These provisions would seem to defeat the stated intent and purpose of this Act, sparked by the recommendations of the President's Task Force on Victims of Crime. By way of example, under the bill's present funding formula, state compensation programs would have received a maximum of $5.9 million for 1983 while the Federal Treasury would receive by way of reversion at least $20.1 million, assuming total collections were $50 million. Crime victim compensation, it must be remembered, is by and large the only government program which provides direct monetary support to victims of violent crimes such as murder, rape, robbery and assault. It would be incongruous, indeed, if a Federal Victims of Crime Assistance Act were approved that allocated 90% of its funds to programs providing indirect services or soft services to victims, for government administration, and as revenue to the General Fund of the United States.

Moreover, it is quite possible that some states, such as Florida, California, Nevada, or Massachusetts, which have a large number of visitors and would be required to repeal their victim residency requirements in order to qualify for Federal assistance,

would actually suffer a negative fiscal impact by participating in the proposed federal aid program. Under the bill's non-supplantation clause, all states with compensation programs would be required to certify that any federal money received would only be used "to increase

the amount of funds expended by the State to compensate victims of crimes." This provision, while apparently a well-intentioned attempt to prevent states from reducing their funding commitment to victim compensation, may indeed have the opposite effect by discouraging state participation in the Federal program. States with well-established programs, states where the crime rate and/or population is dropping or states with serious fiscal problems may be unwilling or unable to increase funding to victim compensation. Such a provision while perhaps appropriate to new catagorical grant programs, is not in my opinion appropriate for crime victim compensation, a service initiated by and provided by most states for over a decade.

. . The federal government cannot and should not attempt to dictate to the states on a matter of primary state policy: The level of funding support to be given to state crime victim compensation programs. Any such attempt will potentially undermine a basic level of national coverage for crime victims, an important goal for any national victim assistance program.

While the National Association has yet to take a formal position on this bill, we will be doing so at our Annual Conference during the week of May 20th. However, I can advise members of the Committee that all seven states who have written to me on the bill have opposed the non-supplantation clause and have voiced support for a funding formula closer to that contained in H.R. 3498, sponsored by Congressmen Rodino and Berman. (The state compensation boards which have so expressed their position in writing to date are Alaska, Maryland, Minnesota, Kansas, Kentucky, Nebraska, and Washington.)

With the recognition that States are frequently unable to adequately support their crime victim compensation programs, one effective means of providing federal assistance is to allow a supplantment of funds. In an effort to lend more balance to the reimbursement formula, serious consideration should also be given to increasing the ten percent limitation to the more realistic level of 50% as contained in H.R. 3498.

Administration of Victim Assistance:

I would like to direct my last comments to provisions of the Act relevant to the administration of funds for local victim

assistance programs. Within the provisions of the Act is a measure which would require the states to appoint or designate a state official to be the State Victim Assistance Administrator. To ensure the smooth continuation of effective local victim assistance service delivery engaged in by programs across the country, the Governor of each state should be able to designate the state compensation program as the appropriate administrator of victim assistance programs. This would alleviate the necessity to create a new bureaucracy within the framework of State government.

Historically, crime victim compensation and local victim assistance programs work hand-in-hand. This is the case in New York State. No other entity in the States has the knowledge and expertise of crime victims and their problems as do crime victim compensation programs. This knowledge and expertise is necessary to be an effective and efficient program administrator.

Conclusion

In closing, I would like to thank this Committee for the opportunity to provide testimony before you today. This type of federal legislation is certainly both justified and long-awaited by states and local communities across this country. With adequate assistance from the federal government, the small steps that states have been able to take to provide needed services to crime victims can become great strides toward relieving the physical, emotional and financial crises that millions of law abiding citizens face after being victimized by violent crime.

JUN 1 ? REC'

JUDICIARY COMMITTEE
1984 JUN -8 PM 2:45

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
CRIME VICTIMS BOARD
270 BROADWAY, ROOM 200
NEW YORK, NEW YORK 10007
(212) 587-5160

BOARD MEMBERS
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Chairman
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Executive Secretary

June 6, 1984

Honorable Strom Thurmond
Chairman
United States Senate
Committee on the Judiciary
Washington, D. C. 20510

Re: S.2423
Victims of Crime Assistance Act

Dear Senator Thurmond:

Enclosed are the answers to the questions regarding S.2423 which were included with your letter of May 14, 1984.

Please do not hesitate to contact me if I may be of further help.

Sincerely,

Ronald A. Zweibel

RAZ:t

Encl.

I. SENATOR STROM THURMOND'S QUESTIONS

Q. Do you feel that there is adequate coordination between the Federal Government and state agencies on law enforcement matters and, in particular, those which affect crime victims? How can this cooperation be improved?

A. While it is beyond the scope of the subject legislation and the expertise of the National Association to comment on all the aspects encompassing the issue of the adequacy of coordination between state and Federal law enforcement agencies, I do believe that there is inadequate coordination regarding crime victim compensation. At present there is no systematic referral or contacts between Federal criminal justice agencies and compensation and victim assistance programs. It is also believed that existing coordination efforts would be improved through the provisions of the Victims of Crime Assistance Act which is currently under consideration. However, formal linkage and cooperation among the Federal Government and the states and victim compensation and victim assistance programs, perhaps through the formation of regional or national advisory councils, should be the subject of future legislation.

Q. S.2423 for the first time would prohibit a Federal defendant from profiting from his crime by publicizing it. Do you support this change in the Federal law?

A. While the National Association supports the "Son of Sam" provision contained in the Victims of Crime Assistance Act in concept it must be noted that the provision as originally drafted would have unnecessarily preempted state "Son of Sam" laws. A wiser course would be to permit the states to exercise concurrent jurisdiction in this area. This approach may be implicit in the bill as reported by the Senate Judiciary Committee which now would require a motion by the U. S. Attorney to invoke the statute, however, no clear recognition is made that state statutes are not preempted in this area where a Federal crime is involved. Moreover, the Federal Statute could apparently not be invoked except where the crime was prosecuted under Federal law. For example, a mass murderer who committed crimes in several states, and was prosecuted under state law and then contracted with an out-of-state publisher could apparently not be reached by this proposed Federal law despite the multi-state nature of the transactions.

In those cases involving interstate transactions between a criminal perpetrator and book publishers or motion picture producers or in cases where crime victims are located in several states, Federal jurisdiction could potentially secure victims their rights more effectively than the application of one or more state laws. However, in cases involving criminal acts, contracts, and crime victims all located within a single state with an established and court tested Son of Sam Law, that state's jurisdiction should be preferred.

The National Association believes that concurrent jurisdiction with the states is particularly important due to a constitutionally untested feature in the bill which would have the Federal Government confiscate the media profits of a person committing a crime independent of the victim obtaining a civil judgment. New York and most states use a stakeholder rather than a confiscating approach. The New York State Crime Victims Board acts as a neutral stakeholder in order to ensure that victims' claims are settled

before monies are paid to the criminal or his representatives. It is quite possible that several years after enactment of a Federal law in this area, there could be several constitutional challenges to such a statute. Should a Federal confiscatory law that preempts state laws be found unconstitutional, a situation could develop where both the Federal Government and the states would find it legally difficult to prevent the enrichment of infamous criminals at the expense of a victim.

Q. Should victims of crime be permitted to testify at parole hearings, as provided in S.2423? Are you familiar with any such provisions in state law and how they have operated?

A. The National Association believes that crime victims should be allowed to testify at parole hearings. Three states, Arizona, Arkansas and California, already permit victims to testify or submit a written statement at the time of parole board hearings without unduly hampering the proceeding or hindering justice. Supporters of these measures in Arizona and California have indicated that the major benefit crime victims derive from having the opportunity to make a statement (as being one of finality to the entire ordeal of victimization).

II. SENATOR JOSEPH BIDEN'S QUESTIONS

Q. Can you explain how compensation boards have generally operated in the various states?

A. Essentially, state crime victim compensation programs were established using one of three models. These program models involve the affiliation with either a new agency, an existing administrative agency, or the judicial system. Regardless of the program affiliation chosen, state crime victim compensation programs operate with the basic functions of claims intake, responses to claimant inquiries, claims investigation, decisions and hearings, record keeping and outreach publicity carried out on a routine basis. (For further information on state compensation program benefits and requirements, see the attached survey).

Q. What types of administrative overhead exists in these programs?

A. For the most current information on administrative cost of state crime victim compensation programs, please refer to the attached tables which reflect the results of a 1982 study by ABT Associates.

Q. Do any compensation boards provide services or funds prior to final disposition of a case?

A. Emergency awards for immediate financial relief are available from the great majority of state crime victim compensation programs including the District of Columbia and Virgin Islands. In order for a crime victim to receive an emergency award, compensation programs generally require that it appear likely that an award decision will be made and that without the provision of such an

award the victim would suffer undue financial hardship. Most generally, emergency awards are granted in $500 increments with the total maximum amount available to any one victim being $1,000 or $1,500 depending on the program.

Q. Do you believe the 10% caps on funds called for in this bill will provide sufficient funds to entice states to participate?

A. The National Association believes that while the Federal Government would have more than ample money contained in the "Fund" to provide adequate financial assistance to state crime victim compensation programs, the 10% disbursement cap would not be significant enticement for program participation. This is especially true when the 10% disbursement cap is coupled with other criteria contained in the Act such as the non-supplantation clause.

Crime victim compensation, it must be remembered, is by and large the only government program which provides direct monetary support to victims of violent crime - murder, rape, robbery and assault. Under the bill's present funding formula state compensation programs would receive approximately $5.9 million. The remainder of the monies, earmarked for state compensation programs and estimated to be at least $20 million, would revert back to the General Fund of the Federal Treasury. It would appear that if states are to be enticed to participate in the proposed Federal grant program, the cap should be raised to a more realistic level which reflects the intent of the legislation. A 10% disbursement cap seems to be a token effort at best.

Q. In your statement you have suggested that we should permit the use of Federal funds to supplant the funds currently made available by the states. What is your rationale for that?

A. Under the bill's current non-supplantation clause, all states with compensation programs would be required to certify that any federal money received would only be used "to increase the amount of funds expended by the state to compensate victims of crime". This provision, while apparently a well-intentioned attempt to prevent states from reducing their funding commitment to victim compensation may indeed have the opposite effect of discouraging the state participation in the Federal program. States with well-established programs, states where the crime rate and/or population is dropping, or states with serious fiscal problems may be unwilling or unable to increase funding to victim compensation.

By enabling states to supplant funds, assistance provided to crime victims through state compensation programs will at the very least be maintained at existing levels. It must be remembered that while no program seeks to provide assistance to maintain the crime victim at their pre-victimization status, the level of needed and legitimate assistance for crime victims has not decreased since the inception of state crime victim compensation programs. States must be given the flexibility to use available funds in the manner which is of most benefit to its crime victims. Supplantation of existing state funds for crime victim compensation could achieve this objective.

Q. Do you also believe that we should use Federal funds to cover administrative costs to run the program?

A. Yes, it seems inequitable to disallow the administrative costs of compensation programs while enabling Federal financial assistance drawn from the same "Fund" to be used for the administrative costs of victim/witness assistance programs. In either instance, the services provided are done so by people which translates into administrative costs. If Federal financial assistance could be used for administrative costs as well as programmatic costs, states could use a portion of their grants to enhance the claim processing components of their compensation programs which is of ultimate benefit to crime victims filing claims.

One of the most frequent complaints voiced by crime victims who have filed claims with state crime victim compensation programs is the delays in claims processing. In many states, compensation programs have insufficient staff to handle the volume of claims received from crime victims which results in delays in and backlogs of claims. Federal assistance for the administrative costs of compensation programs could go a long way in alleviating the problems experienced in claim processing.

Q. The compensation board in my state was under attack several years ago for operating with an extremely high overhead cost. I want to make sure that in this program dollars that are earmarked for victims of crime get to those victims. Do you have any suggestions as to how we can best do that?

A. Given the fixed costs which state compensation programs incur for claims intake personnel, claims examiners and/or investigators, a hearing body or board members, etc., smaller programs with lower volumes of claims as compared to larger programs with greater volumes of claims will logically have higher administrative overhead. Perhaps when looking at the administrative costs of smaller compensation programs additional attention should be given to the question of whether these programs are providing needed assistance to innocent crime victims in the most equitable and expeditious manner possible. If the answer is "yes" then perhaps the higher administrative cost is unavoidable when providing needed financial assistance to the states' crime victims.

The National Association also believes that state crime victim compensation programs could be enticed to keep their administrative costs at the lowest possible levels. This could be accomplished if the "Act" contained a provision for the use of a small percentage, perhaps 15%, of each grant made to compensation programs for administrative purposes. In this manner, cost containment criteria could be devised to reflect the administrative differences of smaller versus larger compensation programs.

SURVEY OF STATE CRIME VICTIM COMPENSATION PROGRAMS IN THE UNITED STATES

Advocacy Unit
N.Y.S. Crime Victims Board
December 1982/Revised Dec. 1983

	COMPENSATION TO VICTIMS							COMPENSATION TO SURVIVORS						LIMITATIONS			
	Medical Expenses	Lost Earnings	Lost Property	Pain & Suffering	Other	Occupational Rehabilitation		Burial Expense	Pension	Lump Sum/ Protracted	Loss of Support (survivors only)	Dependents only		Must be State Resident	Overall benefits Not to Exceed	Time Limit to File	Crime Occurred In State
ALASKA	Y	Y	N	N	Y	Y		Y	N	Y	Y	Y		N	25,000 SINGLE INCIDENT OR 50,000 MULTIPLE DEPENDENTS	2 years	Y
CALIFORNIA	Y	Y	N	N	Y	Y		Y	N	Y	Y	N		Y	10,000 MED/FUN. 10,000 LOSS OF E/S 5,000 REHAB	1 year[1]	N
COLORADO	Y	Y	Y 250	N	Y	Y[2]		Y	N	Y	Y	Y		Y 30 da	10,000	1 year	Y[25]
CONNECTICUT	Y	Y	N[3]	N	Y	Y[2]		Y	N	Y	Y	N		N	10,000	2 years	Y
DELAWARE	Y	Y	N[3]	N	Y[2]	N		Y	N	Y	Y	N[4]		N	10,000	1 year	Y
DIS.OF COLUMBIA	Y	Y	N	N	Y	Y		Y 2,000	Y	Y	Y	Y		Y[5]	25,000	180 days	Y
FLORIDA	Y	Y	N	N	N	N		Y 1,000	N	Y	N	Y		Y	10,000	1yr/2yrs[1]	Y
HAWAII	Y	Y	N	Y	Y[26]	N		Y	N	Y	Y	N[6]		N	10,000	1½ years	Y
ILLINOIS	Y	Y	N	N	N	N		Y 5,000	N	N	Y	N		N	15,000	1 year[1]	Y
INDIANA	Y	Y	N	N	Y	Y[2]		Y	N	N	N[15]	N[15]		N	10,000	1 year	Y
IOWA	Y	Y	N	N	Y[2]	N		Y 1,000	N	Y	Y	N		N	2,000	180 DAYS-P.I. 240 DAYS-DEATH	Y
KANSAS	Y	Y	N	Y	Y	Y		Y 750	N	Y	Y	Y		N	10,000	1 year	Y
KENTUCKY	Y	Y	N	N	Y[2]	Y		Y 2,500	N	N	Y	Y		Y[5]	15,000	1 year	Y
MARYLAND	Y	Y	N[3]	N	Y[8]	N[7]		Y 1,250	Y	Y	Y	Y		N	45,000[28]	180 days/ 2 years[1]	Y
MASSACHUSETTS	Y	Y	N	N	N	N		Y	N	Y	Y	Y		Y	9,900	1 year	N
MICHIGAN	Y	Y	N	N	N	N		Y 1,500	N	Y	Y	Y		Y	15,000	60 DAYS - P.I. 90 DAYS - DEATH 1 YEAR[2]	Y

	COMPENSATION TO VICTIMS							COMPENSATION TO SURVIVORS						LIMITATIONS			
	Medical Expenses	Lost Earnings	Lost Property	Pain & Suffering	Other	Occupational Rehabilitation		Burial Expense	Pension	Lump Sum/ Protracted	Loss of Support (survivors only)	Dependents only		Must be State Resident	Overall benefits Not to Exceed	Time Limit to File	Crime Occurred In State
MINNESOTA	Y	Y	N	N	Y	Y		Y 1,350	N	Y	Y	Y		N	25,000	1 year	Y
MISSOURI	Y	Y	N	N	N	N[7]		Y	N	Y	Y	Y		Y	10,000	1 year	Y
MONTANA	Y	Y	N	N	Y[2]	Y		Y	N	N	Y	Y		N	25,000	1 year	Y
NEBRASKA	Y	Y	N	N	Y[2]	Y		Y	N	N	N	Y		N	10,000	2 years	Y
NEVADA	Y[32]	Y	Y[37]	N	Y	Y[32]		Y 1,000	N	Y	N	Y [illegible]		Y	15,000	1 year	Y
NEW JERSEY	Y	Y	N	N	Y	Y[2]		Y	N	Y	Y	N		N	25,000	2 years[1]	N
NEW MEXICO	Y	Y	N	Y[8]	Y	Y[2]		Y	Y	Y	Y	Y[9]		Y	12,500	1 year	Y
NEW YORK	Y	Y	Y[37] 250	N	Y[8]	Y 5,000		Y 1,500	N	Y	Y	N 9/10		N	[illegible]	1yr/2yrs[1]	Y
NORTH DAKOTA	Y	Y	N	N	Y	N		Y 500	N	Y	N	Y[35]		N	25,000	1 year	Y
OHIO	Y	Y	N[3]	N	Y[11]	Y		Y[9] 1,250	N	Y	Y	Y		Y[5]	25,000	1 year	Y
OKLAHOMA	Y	Y	N	N	Y[11]	Y		Y 750	Y	Y	Y	Y		N	10,000	1 year	Y
OREGON	Y 10,000	Y 10,000	N	N	N	Y 3,000		Y 1,000	N	Y 200 WK MAX	N	Y [illegible] MAX		N	23,000	6 mos.[1]	Y [illegible]
PENNSYLVANIA	Y	Y 10,000	N	N	Y[11]	Y		Y 1,000	N	Y	Y[10] 15,000	N		N[5]	25,000	1yr/2yrs[1]	Y
RHODE ISLAND	Y	Y	N	Y	Y	Y		Y	N	Y	Y	N		N	25,000 + Atty FEES	2 years	Y
SOUTH CAROLINA	Y	Y	N	N	N	Y		Y 1,000	N	Y[2]	Y	Y		N	10,000	180 days/ 2 years[1]	Y[36]
TENNESSEE	Y	Y	N	Y[24]	Y	N		Y	N	Y	Y	Y		Y	10,000 + 15% Atty FEES	1 year[1]	Y

	COMPENSATION TO VICTIMS							COMPENSATION TO SURVIVORS							LIMITATIONS		
	Medical Expenses	Lost Earnings	Lost Property	Pain & Suffering	Other	Occupational Rehabilitation		Burial Expense	Pension	Lump Sum/ Protracted	Loss of Support (survivors only)	Dependents only	Must be State Resident	Overall Benefits Not to Exceed	Time Limit to File	Crime Occurred In State
TEXAS	Y	Y	N	N	N	Y		Y	N	Y	Y	Y	Y	50,000 + atty. fees	180 days	Y
VIRGINIA	Y	Y	N	N	Y	Y		Y	N	Y	Y	Y	Y[5]	10,000	6 months[f]/ 2 years[1]	Y
VIRGIN ISLANDS	Y	Y	[illegible]	Y	Y	N		Y[3,6,8]	N	Y	Y	Y	N	[illegible]	[illegible]	Y
WASHINGTON	Y	Y	N	N	Y	Y		Y	Y	Y	Y	N	N	[illegible]	1 year	Y
WEST VIRGINIA	Y	Y	N	N	Y	Y		Y	N	Y	Y	Y[9]	N	20,000	2 years	Y
WISCONSIN	Y	Y	N	N	Y	Y		Y	N	Y	Y	Y	N	10,000	2 years	N

	Police Report	No Compensation Where Perpetrator Family Member	Means Test	Cooperation With Police or Prosecution	Provocation or Contribution	Minimum $ Amount For Injury	Compensation Reduced by Collateral Payments	Automobile Case Exemption	Subrogation	State Crime Victims Agency, or under auspices of other st.agen.	OTHER PROVISIONS: Attorneys Fees Paid, In Addition to Award	Son of Sam Law	Good Samaritan, Special Provisions	Mandatory Notification of Victims	Compensation for Psychiatric Injuries	Right to Hearing	Administrative Review of Awards	Court Review	Emergency Awards
ALASKA	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y 1,000
CALIFORNIA	Y	N	N	Y	Y	Y[18]	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y 1,000
COLORADO	Y 72 hrs.	N[19]	N	Y	Y	Y 2,000	Y	Y[13]	Y	N Dep't of C	N	N	Y	N	Y	Y	N	N	Y 500
CONNECTICUT	Y 5 days	N[2]	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	Y	Y 500
DELAWARE	Y	N[17]	N	Y	Y	Y	Y	N[2]	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N
DISTRICT OF COLUMBIA	Y	N[2]	Y	Y	Y	Y 100	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	Y	Y 1000
FLORIDA	Y 72 hrs.	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y 500
HAWAII	Y	N[27]	N	Y	Y	N	Y	Y	Y	Y	N[23]	N	Y	N	Y	Y	Y	N	Y 500
ILLINOIS	Y	N[19]	N	Y	Y	Y 200	Y	N	Y[2]	N	N	Y	Y	N	Y	Y	N	Y	N
INDIANA	Y	Y	N	Y	Y	Y 100	Y	Y[13]	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y 500
IOWA	Y	N[20]	N	Y	Y[21]	N	Y	Y[13]	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y 500
KANSAS	Y	Y	Y	Y	Y	Y[22] 100	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N
KENTUCKY	Y	Y	Y	Y	Y	Y 100	Y	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	Y 500
MARYLAND	Y 48 hrs.	Y[19]	Y	Y	Y	Y[18]	Y	Y[13]	Y	Y	N[23]	N	Y	N	Y	Y	Y	Y	Y 1,000
MASSACHUSETTS	Y	Y	N	N	Y	Y 100	Y	Y	Y	N	N	Y	N	N	N[22]	Y	N	Y	N
MICHIGAN	Y	N[14]	Y	Y	Y	Y	Y	Y	Y	Y	N[23]	N	N	N	Y	Y	Y	Y	Y 500

	Police Report	No Compensation Where Perpetrator Family Member	Means Test	Cooperation With Police or Prosecution	Provocation or Contribution	Minimum $ Amount for Injury	Compensation Reduced by Collateral Payments	Automobile Case Exemption	Subrogation	State Crime Victims Agency & or under aus- pices of other st.agen.	Attorneys Fees Paid, In Addition to Award	Son of Sam Law	Good Samaritan, Special Provisions	Mandatory Notifica- tion of Victims	Compensation for Psychiatric Injuries	Right to Hearing	Administrative Review of Awards	Court Review	Emergency Awards
OTHER PROVISIONS																			
MINNESOTA	Y	N[2]	N	Y	Y	Y/100	Y	Y[29]	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
MISSOURI	Y (48 hrs)	N	N	Y	Y	Y/200	Y	Y[13]	Y	Y	N	N	Y	N	N	Y	Y	Y	Y/100
MONTANA	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N
NEBRASKA	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y/500
NEVADA	Y	Y[30]	Y	N	Y	Y/100	Y	N	Y	Y	Y[23 31]	Y	N	Y	Y	Y	N	N	N
NEW JERSEY	Y	Y[38]	N	N	Y	N	Y	Y[13]	Y	Y	Y	N[33]	N	Y	Y	Y	Y	Y	Y/1000
NEW MEXICO	Y[35] (30 days)	N	N	Y	Y	N	Y	Y[13 33]	Y	Y	N		Y	Y[33]	Y	Y[34]	Y	N	Y
NEW YORK	Y[1] (1 wk)	N[38]	Y	Y	Y	N	Y	Y[13]	Y	Y	Y	Y	Y	Y	Y	Y	Y[15]	Y	Y
NO. DAKOTA	Y (72 hrs)	Y[2]	N	Y	Y	Y/100	Y	Y[13]	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y/100
OHIO	Y (72 hrs)	N[2]	N	Y	Y	N	Y	Y[13 29]	Y	N	Y	N[33]	Y	Y	Y	Y	Y	Y	Y
OKLAHOMA	Y (72 hrs)	N[17]	N	Y	Y	N	Y	Y[13]	Y	Y	N	Y	Y	N	Y	Y	N	Y	Y/500
OREGON	Y[1] (72 hrs)	Y	N	Y[1]	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y/1,000	Y	Y	N	Y/1,000
PENNSYLVANIA	Y	Y	N	Y	Y	Y[16]	Y	Y[13]	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y/1,000
RHODE ISLAND	Y	N[17]	N	N	N	N	Y	Y	Y	N	Y	N	N	N	Y	Y	N	Y	N
SO.CAROLINA	Y	Y	N	Y	Y	Y/300	Y	Y	Y	Y	Y		N	N	N	Y	Y	N	Y/500
TENNESSEE	Y (48 hrs)	N[17]	N	Y	Y	Y[18]	Y	Y[13]	Y	N	Y	Y	Y	Y	Y[2]	Y	N	N	Y/500

	Police Report	No Compensation Where Perpetrator Family Member	Means Test	Cooperation With Police or Prosecution	Provocation or Contribution	Minimum $ Amount For Injury	Compensation Reduced by Collateral Payments	Automobile Case Exemption	Subrogation	State Crime Victims Agency, or under ag. placed of other st. agen.	OTHER PROVISIONS: Attorneys Fees Paid, In Addition to Award	Son of Sam Law	Good Samaritan, Special Provisions	Mandatory Notifica-tion of Victims	Compensation for Psychiatric Injuries	Right to Hearing	Administrative Review of Awards	Court Review	Emergency Awards
TEXAS	Y	N[19]	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y /500
VIRGINIA	Y	Y	Y	Y	Y	Y /100	Y	Y	Y	Y	N	N	Y	N	Y	Y	N	Y	Y /1000
VIRGIN ISLS	Y	Y	N	Y	Y	N	Y	Y[13]	N	Y	N	N	Y	Y	Y	Y	Y	N	N
WASHINGTON	Y	Y	N	Y	Y	Y 200	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y 200
W.VIRGINIA	Y	Y	Y	Y	Y	N	Y	Y[13]	Y	N	Y	Y	Y	Y	Y	Y	N	Y	N
WISCONSIN	Y	Y	N	Y	Y	N	Y	Y	Y	Y	N	N	N	Y	Y	Y	N	Y	Y /1000

KEY

1. Or show good cause.
2. Under the discretion of the Board
3. With the exception of essential personal property such as eyeglasses, hearing aids, prothesis, etc.
4. Will compensate only other relatives who assume burial expenses
5. Will compensate victims residing in states with reciprocity of compensation
6. Will pay out-of-pocket expenses to a parent of an adult deceased victim, or to an adult son or daughter of a deceased victim
7. Does referral to occupational rehabilitation
8. Will compensate for psychiatric counseling
9. Will compensate any other person who can show verifiable proof of incurring burial expenses
10. Includes surviving spouse, parent, child, or principal dependents
11. Replacement services
12. Will provide physical therapy to enable victim to return to prior employment
13. Unless auto is used as weapon with intent to inflict harm
14. Persons residing in same household cannot receive an award but out-of-pocket expenses can be paid directly to service provider
15. By administrative rule, not by statute
16. $100.00 unless victim is 60 years or older
17. Except where unjust enrichment to perpetrator can be shown
18. $100.00 or equivalent of 2 weeks wages
19. Victim and perpetrator cannot be residing in same household
20. Family member must be convicted before victim can be compensated
21. Eliminates award completely
22. Except for rape cases
23. Attorney fees are paid out of the award
24. Award a maximum of $2,500 for sex offense victims
25. Claimant must file within the Judicial District where the crime occurred.

(continued)

26. Pecuniary losses

27. Family members may be compensated for out-of-pocket medical expenses only

28. Awards are made in accordance with the State Workmen's Compensation schedule.

29. Unless auto is used with intent to inflict harm, or, if auto is being used in the commission of a felony.

30. If at the time of personal injury or death, the victim was living with the offender in a continuing relationship, no compensation is awarded.

31. Attorney's fees may not exceed 10% of the award. Claim award including attorney's fees cannot exceed $5,000.

32. Limited to benefits paid under Nevada Industrial Insurance Standard Payments.

33. Pending legislation would change these provisions

34. If ordered by a commissioner

35. Dependents economic loss for loss of support.

36. Or out of state for a resident.

37. Property which is essential to the health, safety or well-being of the victim.

38. Compensation is awarded if certain other criteria are met aside from basic eligibility criteria.

COMPENSATING VICTIMS OF CRIME:
AN ANALYSIS OF AMERICAN PROGRAMS

Daniel McGillis

Patricia Smith

August 9, 1982

U.S. Department of Justice
National Institute of Justice
Office of Development, Testing, and Dissemination

41-072 O - 85 - 9

Exhibit 6.3

ADMINISTRATIVE COST PER CLAIM

JURISDICTION	ADMINISTRATIVE COSTS	NO. OF CLAIMS PROCESSED	NO. OF CLAIMS AWARDED	COST/ CLAIM	COST/ AWARD
Alaska	$ 102,200	93	---	$1,099	$ ---
California	1,805,438	9,642	5,151	187	351
Connecticut	87,650	333	---	263	---
Delaware	140,350	---	155	---	905
Florida	380,000	913	301	416	1,262
Hawaii	77,418	533	393	145	197
Illinois	232,900	1,067	710	218	328
Indiana	---	---	---	---	---
Kansas	61,883	110	83	563	746
Kentucky	---	---	---	---	---
Maryland	782,281	307	222	2,548	3,523
Massachusetts	---	---	---	---	---
Michigan	158,195	1,994	1,131	79	140
Minnesota	73,995	354	253	209	292
Montana	50,536	209	143	242	353
Nebraska	42,000	53	35	792	1,200
Nevada	---	---	---	---	---
New Jersey	400,000	1,189	691	336	579
New Mexico	---	---	---	---	---
New York	1,081,730	8,622	2,952	125	366
North Dakota	46,772	89	45	526	1,039
Ohio	1,531,279	1,873	1,236	818	1,239
Oklahoma	---	---	---	---	---
Oregon	104,000	416	212	250	491
Pennsylvania	252,000	721	375	350	672
Rhode Island	---	---	---	---	---
Tennessee	---	---	---	---	---
Texas	263,886	1,459	346	181	763
Virgin Islands	16,000	25	23	640	696
Virginia	54,775	270	202	203	271
Washington	250,000	1,683	1,189	149	210
West Virginia	---	---	---	---	---
Wisconsin	200,000	888	437	275	458

VICTIM COMPENSATION PROGRAMS

TABLE V

PROGRAM COSTS & FUNDING

State	Time Period	PROGRAM COSTS: Total Payments to Victims	PROGRAM COSTS: Administrative Costs (% of Total)	PROGRAM COSTS: Total Costs	PROGRAM COSTS: Average Award	PROGRAM REVIEWS: Funding Source	PROGRAM REVIEWS: Total Revenues	PROGRAM REVIEWS: Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
Alaska	FY 1981	$ 237,100	$ 102,200 (30%)	$ 339,300	$3500	oGeneral Revenues	$ 339,300[1]	None	Yes	oBecause of increasing medical costs, inflation and more claims, benefits are increasing but admin. costs are remaining stable.
California	FY 81-82	15,279,141	1,805,438 (10.5%)	17,075,579	2275	oPenalty Assessment	17,075,579	oAll felonies and most misdemeanors are assessed a $4 penalty for every $10 fine; 24.5% of these monies go to the victim compensation; the balance goes to victim witness and rape crisis centers	Yes	oThis is the first year that the program received no general fund support and was funded solely from fines & penalties. o$2,620,860 worth of claims were carried over from previous year, leaving $10,149,281 for payment of claims in '81-82. Additional spending authority granted to cover $2.5 million shortfall this year. base requested.
Connecticut	1981 (Calendar)	632,000	87,650 (12%)	719,650	2200	oFines	1,100,000	Fines are assessed as follows: o$15 on all motor vehicle and DUI offenses & misdemeanors o$20 on all felony convictions	No	oBill pending to allow program to invest funds in short term interest-bearing accounts (presently remains in general fund with interest reverting to that fund).
Delaware	FY 1981	241,804	140,350 (37%)	382,154	3000	oFines & penalties oForfeitures oRestitution	343,317[2]	15% surcharge on all fines, penalties, and forfeitures (including traffic violations)	Yes	oSurcharge increased from 10% in 1982.
Florida	FY 1981	1,800,000	380,000 (11%)	2,180,000	2900	oFines & penalties	2,200,000[3]	$10 additional court cost and 5% surcharge on all criminal penalties	No	oCourt costs & surcharges now will be assessed on criminal traffic offenses. Program estimates that this will provide 50% more revenue.
Hawaii	FY 1981	$ 432,513	$ 77,416 (15%)	$ 509,931	$1100	oGeneral Revenues	$ 598,000	None	No	oAsked legislature for a $500,000 revolving fund in 1981 but it did not pass.
Illinois	1980 (Calendar)	2,078,000	232,900[4] (10%)	2,310,900	2928	oGeneral Revenues oSupplemental Approp.	2,300,000	None	Yes	None

VICTIM COMPENSATION PROGRAMS
TABLE V - PROGRAM COSTS & FUNDING (continued)

State	Time Period	PROGRAM COSTS: Total Payments to Victims	PROGRAM COSTS: Administrative Costs (% of Total)	PROGRAM COSTS: Total Costs	PROGRAM COSTS: Average Award	PROGRAM REVIEWS: Funding Source	PROGRAM REVIEWS: Total Revenues	PROGRAM REVIEWS: Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
Indiana	FY 1981	NOT AVAILABLE FROM PROGRAM			3000	•General Revenues •Fines & penalties	50,000 (Administration) 900,000 (Benefits)	•$15 on class A misdemeanors & all felonies (no traffic violations) •10% of salaries of prisoners on work release	No	•Indiana has had a rollercoaster history of funding: 1978 Appropriation - $200,000 1979 " $1 1980 " $0 1981 - Changed affiliation $1 •Under new legislation, effective July 1982, the program will be self-supporting without any general appropriation. •Also under the new law, interest on the victim compensation fund will revert to that fund rather than to the general fund as in the past.
Kansas	FY 1981	173,142	61,883 (26%)	235,025	2086	•General Revenues	239,452	None	No	•Bill pending to assess a penalty fee of $25 on all felonies & $10 on all misdemeanors to augment revenues from the general fund. The state made a projection as to the amount that would be collected & subtracted that much from the general appropriation so that funding remains stable.
Kentucky	FY 1981	410,533	---[5]	410,533	2500	•General Revenues •Fines & penalties	366,000	$10 for all offenses for which imprisonment may be imposed	Yes	Legislation establishing fines effective July 15, 1982.
Maryland	FY 1981	$ 1,415,472	$ 782,281 (36%)	$ 2,197,753	$6376	•General Revenues •Court Costs	$1,064,765 (only $318,230 was collected thru court cost)	$10 on all conviction	Yes	None
Massachusetts	FY 1981	905,679	---[6]	905,679 (Awards)	3546	•General Revenues	905,967	None	Yes	•Legislation pending to allow for payment of some or all or any fine imposed on a convicted offender to the victim of that crime. •Bill also pending to allow for monies collected under $ on of fee provision to revert to the victim compensation fund if no civil action is brought by victim.
Michigan	FY 1981	1,822,605	158,195 (9%)	1,980,800	1445	•General Revenues •Supplemental Approp.	1,980,8000	None	Yes	None

VICTIM COMPENSATION PROGRAMS
TABLE V - PROGRAM COSTS & FUNDING (continued)

		PROGRAM COSTS				PROGRAM REVIEWS				
State	Time Period	Total Payments to Victims	Administrative Costs (% of Total)	Total Costs	Average Award	Funding Source	Total Revenues	Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
Minnesota	FY 1981	573,089	73,995 (11%)	647,084	1373 (Claim)	oGeneral Revenues oRestitution oRefunds oFines & Penalties	573,089	See "changes"	Yes	oAnticipate that funding will decrease due to state government cutbacks. oLegislature passed surcharge provision stipulating that 10% of a fine (or $40, whichever is greater) on every misdemeanor, gross misdemeanor & felony conviction should be collected & divided up among victim services. An additional $5 is assessed for traffic violations. These funds will, however, be used to reimburse the general fund & thus only those monies in excess of the appropriation will go directly to victim compensation. oProgram would like to mandate minimum monetary penalties on offenders. oWould also like to see a % of wages earned by prisoners go to victim compensation.
Montana	FY 1981	$ 271,023	$ 50,536 (16%)	$ 321,559	$1514	oFines & Penalties oRestitution	$ 370,834	18% of fines & bail forfeitures assessed by highway patrol on all motor vehicle violations	No	Established new penalty assessment procedure in 1981 - Prior to that date the victim comp. fund received 4% of all fines for moving traffic violations (incl. cities & towns).
Nebraska	1981 (Calendar)	57,686	42,000 (42%)	99 686	1909	oGeneral Revenues oSupplemental Approp.	115,000	None	Yes	oProgram was set up in 1979 with a 5-year test period established before appropriation would be raised, but there has been no problem in getting supplemental appropriations as needed. oHowever, because of state fiscal crunch governor requested 3% decrease in victim compensation budget last year and will probably effect similar decreases in the future.
Nevada	Sept. 1,81 to Mar. 11,82 (6 mo.)	---[7]	---	---	---	oBond Forfeitures o"Son-of-Sam" monies	70,000	oBond forfeitures on all felony cases oHalf the earnings from "Son-of-Sam" provisions	---	None

VICTIM COMPENSATION PROGRAMS
TABLE V - PROGRAM COSTS & FUNDING (continued)

State	Time Period	PROGRAM COSTS: Total Payments to Victims	PROGRAM COSTS: Administrative Costs (% of Total)	PROGRAM COSTS: Total Costs	PROGRAM COSTS: Average Award	PROGRAM REVIEWS: Funding Source	PROGRAM REVIEWS: Total Revenues	PROGRAM REVIEWS: Specific Provisions	PROGRAM REVIEWS: Experienced Insufficient Funds	Changes in Costs & Funding
New Jersey	FY 1981	$1,953,996	$ 400,000 (17%)	$2,353,996	$3000	•General Revenues •Fines & Penalties	$2,300,000 Approx.	•Court costs of $25 assessed on any simple assault or any crime; in cases of injury or death to a victim the judge can impose any fine up a to max. of $10,000. Money comes directly to victim comp. office & is deposited in treasury account.	Yes	•Court costs imposed effective Feb 6, 1980 but because of problems in collecting fines they did not begin to come in until 1981. Program has hired a court monitor to oversee collection of the penalties; so far in 1982, $400,000 has accumulated. •Proposal pending to also assess a fine of $10 on juvenile convictions, as well as $25 on all convictions for disorderly conduct. •Budget increased by $1 million in 1979 (appropriation).
New Mexico	4/9/81 to 3/19/82	$ 7,000	(10% station. cap on admin.	$ 7,000[8] (Awards)	$1050	•General Revenues	$1,800,000	None	—	None
New York	FY 1981	5,750,549	1,081,730 (16%)	6,832,279	1948	•General Revenues	6,800,000[9]	None	—	•Legislation was proposed in 1982 to allow for the proceeds of sale of abandoned property held by law enforcement to be paid into victim compensation fund. •Also proposed in 1982 a more rigorous restitution statute. •Have also proposed minimum mandatory monetary penalties on persons convicted of crimes. •Also proposing that 1/2 of all monies earned by convicted arsonsers be used for victim compensation.
North Dakota	7/1/79 to 6/30/81	88,373	46,772 (35%)	135,145	1500-2000	•General Revenues	$311,068[10]	None	No	None
Ohio	FY 1981	7,654,240	1,531,279 (17%)	9,188,519	4900 4770	•Fines & Penalties •Supplemental Approp.[11]	9,310,189	•Additional court costs of $3 (see "Changes") are assessed on any person who is convicted of or pleads guilty to any offense other than a non-moving traffic violation.	Yes	•Legislation eff. Nov. 15, 1981 provided that court cost be raised to $10 until June 30,1983 at which time it will revert back to $3 unless action is taken to keep it at higher rate. •In 1980 the legislature specified that court costs apply also to juveniles & that defendant out on bail is required to pay.

VICTIM COMPENSATION PROGRAMS
TABLE V - PROGRAM COSTS & FUNDING (continued)

		PROGRAM COSTS				PROGRAM REVENUES				
State	Time Period	Total Payments to Victims	Administrative Costs (% of Total)	Total Costs	Average Award	Funding Source	Total Revenues	Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
Oklahoma	10/19/81-6/82 (8 mos)	$ 7,484	$33,333[12] cap on adm co)	$ 40,817 (Awards)	$2300 (Claim 1487 Award	oGeneral Revenues (Admin) for period 10/19/81 to 6/82 oFines & Penalties (Collected thru 2/82) oRestitution Fund	$ 50,000 44,022	oFines & Penalties are to be assessed on pleas & convictions as follows: $5 - misdemeanors (excluding traffic) $25-non-violent felonies $25-$10,000 (judicial discretion) on violent felonies Project that these assessments will bring in $250,000/year oRestitution fund-statute provides that any monies left in the fund over 3 years will revert to victim compensation fund; expecting to receive $30,000 to $35,000/year	---	None
Oregon	FY 1981	319,000	104,000 (17%)	623,000	1700	oGeneral revenues oRestitution	1,761,000	o$1,480,000 benefits, 281,000 admin. oProgram is running on $40,000/month less than appropriated oUnique restitution statute allows program to recoup costs from third parties, such as drinking establishments, who may be held responsible for the criminal acts of its patrons & must carry liability insurance	---	None
Pennsylvania	FY 1981	$816,000	$252,000 (24%)	$1,068,000	$2600	Fines & penalties	$1,861,397 (collected) $1,311,000 (budget)	o $10 fine is assessed on any Title 18 criminal conviction. While this $ goes into the general fund from which the victim compensation receives an appropriation the program is really self-supporting through imposition of court costs.	No	o Anticipate that their revenues will increase because the crime rate is going up.

VICTIM COMPENSATION PROGRAMS
TABLE V - PROGRAM COSTS & FUNDING (continued)

State	Time Period	PROGRAM COSTS: Total Payments to Victims	PROGRAM COSTS: Administrative Costs (% of Total)	PROGRAM COSTS: Total Costs	PROGRAM COSTS: Average Award	PROGRAM REVIEWS: Funding Source	PROGRAM REVIEWS: Total Revenues	PROGRAM REVIEWS: Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
Rhode Island	Cal. 1981	$238,430 (claims) $ 11,362 (Attys. fees)	—[13]	$249,792 (claims & attys. fees)	$12,548	Fines & penalties	$972,723	o Court costs are imposed on criminal convictions as follows: 1. $10 on misdemeanors with penalty of less than 1 year incarceration; 2. $30 on felonies w/ penalty up to 5 years; 3. $50 on felonies w/penalty of more than 5 years	No	None
Tennessee	Cal. 1981	$801,452	—[14]	$801,452	$8500 (includes attys. fees)	Fines & penalties	$1,141,631	o Offenders on parole pay $3/month o Court costs: (1) $21 in Circuit Court; (2) $10 Sessions Court	Yes	o 1980 legislature included convictions in Sessions Court (less severe crimes) in court costs levies. o Taxing provision used to be "crimes against person or property"; now reads any criminal conviction except $500 fine and no incarceration (eff. 1981).
Texas	FY 1981	$980,182	$263,886 (21%)	$1,252,068	$3856	Fines & penalties	$1,129,520	o Court costs are assessed as follows: 1. $15 on all felony convictions & 2. $10 on all Class A & B misdemeanors (penalties of more than $200 fine or incarceration)	Yes	o Legislature does not meet again until 1983--at that time they will probably pass bill including Class C misdemeanors in levying fines.
Virgin Islands	FY 1981	$121,967	($16,000[15]) (12%)	$137,967	$3696	General revenues	$125,000	o Benefits only	Yes	o Considering possibility of setting up special rates; no formal action yet.
Virginia	FY 1981	$430,687	$54,775 (11%)	$485,462	$2,940	Fines & penalties	$450,673[16]	o $15 court cost assessed on individuals convicted of any felony or Class 1 & 2 misdemeanor (not including drunken driving, disorderly conduct, or traffic offenses)	Yes	o Fee raised to $15 from $10 in 1981. o Have go-ahead from legislature to propose that interest from victim comp. fund revert to that special fund rather than general fund.

VICTIM COMPENSATION PROGRAMS
TABLE 9 - PROGRAM COSTS & FUNDING (continued)

		PROGRAM COSTS				PROGRAM REVIEWS				
State	Time Period	Total Payments to Victims	Administrative Costs (% of Total)	Total Costs	Average Award	Funding Source	Total Revenues	Specific Provisions	Experienced Insufficient Funds	Changes in Costs & Funding
Washington	FY 1981	$2,378,634	$250,000 (approx. 10%)	$2,628,634	$1,088	• General revenues • Fines & penalties	$2,500,000	• $50 felony or gross misdemeanor convictions • $25 misdemeanors • Includes juveniles • Need not be convicted of victim-involved crime	Yes	• Old legislation provided for $25 fine or 10% of other fine (whichever is greater) to be assessed on victim-involved felony or gross misdemeanor. • New legislation contains monitoring & enforcement provisions. • New legislation is predicated on proposition that program will be self-supporting.
West Virginia[18]	July 1, 1981 to March 12, 1982 (8 months	—	—	—	—	Fines & penalties	$318,000	• $3 court cost imposed on any felony or misdemeanor or conviction, including moving traffic violations. • Anticipate that they will be collecting between $30,000 & $40,000/month.	—	None
Wisconsin	FY 1981	$1,200,000	$200,000[19] (14%)	$1,400,000	$2,600	General revenues	$1,788,000	• $1,583,000--benefits $205,000--admin.	No	• 1980 passed victim/witness bill of rights adding separate additional appropriation of $572,000 in '81 for v/w services to be administered by victim comp. program.

VICTIM COMPENSATION PROGRAMS
TABLE V - PROGRAM COSTS & FUNDING (continued)

Notes

[1]Information received from Alaska in interview and program documentation is ambiguous regarding total revenues from general funds and supplemental appropriations.

[2]There is a discrepancy in the information from Delaware which reports both a revenue balance carried over from the previous year and insufficient funds to pay all claims that same previous year. This figure does not include the reported carryover.

[3]In fiscal year 1981 the state of Florida collected $33,969 in restitution from offenders.

[4]This figure represents an underestimate because it includes only the Illinois Attorney General's Office administrative costs and none of the Court Claims expenditures.

[5]Because the Crime Victim Compensation Board in Kentucky is also the Board of Claims, it is impossible to separate out the administrative costs of victim compensation alone.

[6]No "program" per se exists in Massachusetts, but simply investigation is provided by the staff of the Attorney General's Office to inform the court in deciding claims. These services have no separate staff or budget and thus it is impossible to determine administrative costs.

[7]Because the new Nevada victim compensation legislation only became effective as of September 1, 1981, it is just beginning to get going and has not yet processed any claims under the new law.

[8]Because the program in New Mecixo is so new (eff. April 9, 1981) full information regarding program costs is not yet available.

[9]The New York Board recovered for the state a total of $53,362 through exercising its rights of subrogation regarding restitution from the offender.

[10]The North Dakota program returned the unspect balance of $178,623 to the general fund for the biennium 1979 - 1981.

VICTIM COMPENSATION PROGRAMS
TABLE V - PROGRAM COSTS & FUNDING (continued)

Notes (continued)

[11] A supplemental appropriation of $530,000 from the general funds was required in 1981 when the Ohio program ran out of money two months into the fiscal year. This was a one-time appropriation, and the program has since reimbursed the general fund for the full amount.

[12] Because the Oklahoma program has only been in operation for six months, it is too soon to make a useful comparison between administrative and total program costs.

[13] See preceding tables for a description of Rhode Island's adversarial claims process. Administrative costs under this procedure are paid out of the Attorney General's budget and are not monitored separately.

[14] Administrative costs for Tennessee victim compensation are contained in the Board of Claims' budget and cannot be separated out.

[15] This figure represents the Virgin Islands' program's administrative officer's salary--which is paid out of the budget of the Department of Social Welfare.

[16] Because Virginia allowed money to collect in the fund for one year prior to program start-up, funds are amassed a year in advance even today. Thus, these monies targeted for 1981 expenditure were collected in 1980 at the old rate of $10 per criminal conviction. Monies collected in 1981, under the new $15 court cost provision, amount to $643,728 for payment of claims in 1982.

[17] Because prosecutors and judges in Washington were not aware of the requirements for collecting court costs, and there were no standard enforcement, auditing, or reporting measures, only $170,000 was collected over a period of four years under the old law.

[18] The West Virginia program is still too new for cost information to be available.

[19] This figure also includes costs of the Wisconsin program's executive director administering of victim/witness assistance efforts in the state.

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STATEMENT

OF

H. JEROME MIRON
NATIONAL SHERIFFS' ASSOCIATION
VICTIM WITNESS PROGRAM

BEFORE

THE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

S. 2423: VICTIMS OF CRIME
ASSISTANCE ACT OF 1984

ON

MAY, 1, 1984

THE NATIONAL SHERIFFS' ASSOCIATION

The National Sheriffs' Association (NSA) is a non-profit professional association representing the nation's sheriffs, deputy sheriffs, law enforcement officials, corrections professionals and court officers in the United States. The mission of the 45,000 member association is to promote and support the Office of Sheriff and the fair, effective and efficient administration of justice. This mission is carried out in conjunction with forty-six (46) active State Sheriffs' Associations.

There are approximately 3,200 sheriffs' departments in the United States which provide law enforcement, court-related, or corrections services. Approximately 85% of these departments provide all of these services in most of the urban, suburban, and rural counties in all regions of the country.

As local elected constitutional officers, the sheriffs are particularly suited to performing a victim-services role in the local justice system because they are the visible and official link between citizens and law enforcement, the courts, court officials, corrections, or probation departments at the state and county level.

The current President of NSA is the Honorable Richard Elrod, Sheriff, Cook County, Illinois; the NSA Executive Director is Mr. L. Cary Bittick, Washington, D.C.

Mr. Chairman and Members of the Committee:

The National Sheriffs' Association appreciates the opportunity to appear here today to discuss our views on the "Victims of Crime Assistance Act of 1984" (S. 2423).

I am H. Jerome Miron, the Director of the National Sheriffs' Association Victim Witness Program; with me is my associate, Lauren J. Goin who is responsible for the research component of our program. A description of the National Sheriffs' Association Victim Witness Program--which is intended to enhance, through training and technical assistance, the organizational capacity of our nation's 3,200 sheriffs' departments to provide services to victims and witnesses--is attached as an Appendix to this statement.

The National Sheriffs' Association is a professional criminal justice association of 45,000 members, including 46 State Sheriffs' Associations, whose mission is to promote and support the Office of the Sheriff and to foster the fair, effective and efficient administration of justice.

The National Sheriffs' Association strongly supports this bill. We do so because this proposed legislation provides Federal leadership and stated national policies that will, in time, expand the ability of justice system agencies and citizen based groups to bridge the gap between victims' needs and the manner in which justice system representatives organize their resources and those of the community to address these needs.

An equally beneficial effect from this bill will be in its provisions to address current problems in providing compensation assistance and service to non-state residents and victims of federal crimes.

I am confident that members of the Committee and their respective staffs are aware of victims needs and the corresponding obligation of the justice system to address these needs. Research, studies and various Presidential Task Force reports have identified and analyzed both the personal dimensions of victims' needs and the gaps present in the system that may, by inattentiveness at least, aggravate or ignore these needs. The personal consequences of victimization are well known: there are emotional, physical and financial costs to the victim as a result of a random crime event. There are also systemic costs in that victims, through their contacts with representatives of the system may experience, for the first time, the complexities of the system and its impersonal treatment of victims. The impact on the system may be an increase in alienation by citizens from the system of justice that is intended to serve and protect them.

We believe that the justice system, in collaboration with local helping organizations, can and will provide the type of fair and humane treatment that victims need and that the system can inform, counsel and guide the victim through the intricate processes associated with the administration of justice. (See Figure 1, Appendix) The system can also provide those means that will enable victims to obtain the type of reparation they, as a group, or as individuals, may require. Justice, when adequately understood and administered, can provide much to the victim without compromising other values or rights. In this latter instance, I cannot but recommend too highly the extraordinary, seminal, lecture that the Honorable Abraham S. Goldstein, Sterling Professor of Law, Yale University, delivered in 1982, entitled "Defining the Role of the Victim in Criminal Prosecution"(1)

As Professor Goldstein notes:

> "In the curious ways of history, victim resentment and victim pressures may serve not only a cathartic purpose for the victim but may have a restorative effect on the criminal justice system. By insisting that the victim's concerns be weighed alongside those of prosecutor and defendant, the victims' movement may force us to

reconsider some fundamental questions about the objectives of criminal justice and how it should be administered."

I would like to take it as a given that the dual problem--victims needs and the corresponding need for change in the justice system--is a given. Other witnesses that will appear before you will speak more eloquently about this problem. For our purposes, here, we would prefer to address some features of this bill and make some modest additions to the language contained in Sections 201, 202, and 203 in order to further our common goals of change and improvement in the justice system's present response to victims and witnesses.

Section 201-202

Section 201 authorizes the Attorney General to make annual grants from the Fund to States for the purpose of compensating victims of crime. Moreover, Section 202 stipulates the purposes, eligibility, criteria and conditions for the use of these supplemental victim compensation funds by recipient States. Section 202(1)(a) requires that prior to the receipt of funds, the State certify that it have, in fact, State sponsored programs to compensate victims of crime.

As you know from the analysis of this section, there are 38 States and the District of Columbia that presently have such programs. Only these States would be entitled to share in that portion of the Fund for receipt of supplemental grants to support their own victim compensation programs. Enactment of this bill will, of course, acknowledge and reward these 38 States.

While it might be argued that the provisions of the bill set forth here would also provide an incentive for those States not now having such legislation to move forward to establish it, it might be more likely that it would not. This bill could provide an opportunity to establish incentives and initial assistance to those States that do not now have such programs. And while we certainly endorse the provisions of Section 202, we would offer a suggestion to the effect that would allow twelve States and the territories without such programs to benefit from it.

In the interest of furthering the purposes of this bill, we suggest that Section 202 might include language, either in this bill or by subsequent regulation, that would enable the Chief Executive of a State to certify to

the Attorney General that the State is creating, de novo, a victim compensation program, that the program will be in place and financed by the State within a prescribed time frame, and that the State will comply with the other requirements of this Section 202. The amount of the Fund to be received by such States will be considered as a modest incentive to encourage this first year phase only of their victims compensation program. The prescribed amount of the Fund can be calculated, for such available States in their first year, on the basis of an appropriate population formula. Subsequent application and certification in the second year can then be made in conformity with the remaining requirements of Section 202.

Section 203

Section 203 of the bill stipulates how funds received by the States from the victim assistance pool of the Fund are to be used. Generally, these victim assistance funds are to be transferred, in the form of grants, to eligible recipient organizations within the State. An appointed or designated State Administrator shall have the authority to award these victim assistance grants. Implicit in this authority--and specifically mentioned in the analysis section of this bill--is that this Administrator, acting on behalf of the State, will have the final responsibility to choose among many potential grantees.

Guiding this choice process by the State Administrator are a series of general conditions or criteria that describe who are eligible organizations i.e. "...a non-profit organization, or agency of a state or local unit of government or a combination of such organizations" [Section 203(b)].

Furthermore, the bill also stipulates that specific criteria are to be used by the State Administrator to choose from among many generally eligible organizations or governmental units. There seems to be between five and up to eight specific criteria for determining who is an "eligible recipient organization". Five criteria seem to be mandatory and are listed in section 203(a)(1)(A-E).

Taken together, these mandatory eligibility requirements will target these grants only on those agencies or governmental units that now exist, that have a history of practice, that have existing funding sources, that have linkages to other local service providers and that have the organizational skill and resources sufficient either to develop, or to participate in, or to conform to locally established coordinating mechanisms.

In addition, these organizations or governmental units (or combinations) must also provide one or more specific types of victim services to all victims or types of victims. These other three criteria are listed in section 203(b)[(1)-(3)].

As you may know, there is no accurate national census that could enumerate those victim servicing organizations (whether located in the justice system or in communities) that would conform to these mandated requirements and thus be eligible for grants from the State.

Enactment of this bill will, of course, enable eligible grantees to maintain and expand their services. Furthermore, if one assumes that the legislation establishes a "model-victim servicing unit"--through the legislation's stipulations about the eligibility for receiving funds---the effect would be to hold up this model as one to be emulated and followed by other victim servicing organizations and governmental units who may lack one or more of the required conditions.

However, as in our comments on Section 202 (regarding the use of Fund grants for victim compensation) so too, here, in section 203, we would like to point out that one of the national policy purposes of this bill is "...to promote the development of comprehensive services to all victims across the Nation."

For example, much of the research and study about victim needs has, for the most part, dwelt on victims of urban crime. We would point out that there is little reason or data to suggest that the impact of crime on rural victims is in any way less. As a matter of fact, the plight of the victim in the rural areas may be greater than the urban counterpart because there may be a lack of access to legal or social agencies or citizen based groups. Today, at least, direct assistance on the part of the sheriff's department in this respect is certainly not pervasive. The needs of the rural areas of our country would be well served by enabling these governments and agencies to acquire even modest start-up funds in support of victim services.

We suggest that Section 203 contain language that would authorize the State Administrator of these grants to have the discretionary authority and responsibility, subject to appropriate Federal and State regulations, to set aside a modest percentage of these annual funds to support the establishment of new, previously non-existent, victim assistance programs or projects that

show promise of conforming to the victim assistance model envisioned in the bill. Moreover, the State Administrator may also be authorized, subject to appropriate Federal and State regulations, to leverage and expand this discretionary fund by using it either as a source for cash match with newly appropriated state funds for the establishment of new programs and/or as a cash match against funds to be provided by the organization or unit of government that is just beginning a victim assistance program and applies to the State for financial support.

In Section 203(a)(3), the role of the State Administrator is specified. He or she is to "...administer, monitor, and evaluate the fiscal and programmatic performance of organizations receiving funds..."

It seems clear that the state Administrator will play a pivotal role in this Federal-State partnership legislation on behalf of victims of crime. To further the stated purpose of this bill, i.e. to promote development of services, may we suggest that language be added to Section 203(a)(3) that describes a notification and information dissemination role of this Administrator. In effect, we suggest that the State Administrator be required by this bill--wither by statutory language or subsequent regulation--to accomplish the following notification activities:

(1) Rules, regulations, and announcement about the State receipt of and use of the States share of the Fund (as defined in Section 201) must be promulgated in accordance with the State's administrative procedures act;

(2) The State Administrator must also provide written notice to each local government and each elected official in the State's criminal justice system about the State's share and use of the Fund at least once each year;

(3) The State Administrator must also provide written notice to such officials as described in (2) about the appropriate office to contact for further written information about the state rules and regulations pertaining to the administration and allocation of funds, State match requirements, if any, and specific information about eligible programs;and,

(4) The State Administrator must notify local governments, elected officials in the criminal justice system and others who submit proposals for State funding, within ninety days of receipt of proposals, that their respective proposal has or has not been accepted.

In summary, NSA strongly favors this bill. We believe that it is important, timely and can, contribute to bridging the gap between victim needs and the manner in which the justice system and local communities can organize a response to these needs.

Our technical suggestions and recommended language changes are given in the hope that they may be practical and workable and that they may contribute to the intent and purposes of the bill as written. The National Sheriffs' Association would be pleased to provide further information to the Committee and its staff.

Thank you.

1. "Defining The Role Of The Victim In Criminal Prosecution", Abraham S. Goldstein, Mississippi Law Journal, Volume 52, September 1983, Number 3, page 515-561.

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L. Cary Bittick
Executive Director
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APPENDIX

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THE NATIONAL SHERIFFS' ASSOCIATION VICTIM WITNESS PROGRAM

"THE SHERIFF AND VICTIM ASSISTANCE"

BY

THE HONORABLE LOIS HAIGHT HERRINGTON
ASSISTANT ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

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The Sheriff and Victim Assistance

The Honorable Lois Haight Herrington, *Assistant Attorney General*

I am grateful to National Sheriffs' Association Executive Director L. Cary Bittick for providing me opportunity to describe for America's sheriffs and their staffs the important and dynamic program that the Office of Justice Assistance, Research, and Statistics (OJARS) has mounted to improve the treatment of and services to innocent victims of crime. This audience is important to us because the sheriff is a critical cog on the wheel of our nation's criminal justice system who can play a pivotal role in providing assistance to victims of crime. A closer look at some of the roles and functions of today's sheriff can help to illuminate this point:

- In some 2,600 departments in the country, the sheriff is responsible for general law enforcement functions—patrol, crime prevention, and criminal investigation.
- As primary law enforcement officer of a county (usually such a designation is made by statute or state constitution), the sheriff brings together county resources—law enforcement, hospitals, emergency medical units, community aid groups and, through mutual aid pacts, resources of surrounding counties in times of emergency.
- The sheriff is almost always an elected official and, as such, must be sensitive to the concerns of the people he is sworn to protect and is held accountable generally for the effectiveness and responsiveness of law enforcement in his community. The sheriff will, therefore, work with fellow law enforcement agencies to support efforts to safeguard the community.
- Significantly, the sheriff, among all law enforcement agencies, deals most directly with the courts and its officials. As bailiff, as the agent for serving court documents, and as the individual who must provide court security, the sheriff works in and with the courts on a daily basis.

Whether he is coordinating community resources during a law enforcement emergency, conducting a routine criminal investigation, assisting a local police department on a crime prevention project, or serving a subpoena to an individual involved in a judicial proceeding, the modern sheriff is there, at the front line, representing the criminal justice system and providing a vital link to the citizens he serves. Frequently, this representation to the community is made when one of its citizens has become a victim of crime. This makes the sheriff an important, if not critical, vehicle for the delivery of victim assistance.

President Reagan's strong commitment to improving the plight of crime victims is unequivocal. On April 14, 1982, in his formal announcement proclaiming Crime Victims Week, the President said, "The innocent victims of crime have frequently been overlooked by our criminal justice system. Too often their pleas for justice have gone unheeded and their wounds—personal, emotional and financial—have gone unattended." The President proceeded to announce his decision to establish a task force on victims of crime that would, "evaluate current national, state, and local policies and programs concerning this important issue and recommend executive and legislative action to improve our efforts to assist and protect victims of crime."

The Task Force, which I had the honor to chair, held the first of its public hearings in September 1982, and within four months, completed deliberations and filed its report with the President. The Task Force made 68 recommendations for actions to be taken by the federal government and by state and local governments, criminal justice agencies, and other organizations such as hospitals, schools, private sector businesses, and the mental health community.

When I served as Chairperson of the President's Task Force on Victims of Crime, I had the opportunity to speak to victims of various crimes from all walks of life and from all parts of the country. I learned many important lessons during the six-month tenure of the Task Force, and the experience has had a profound influence on my life.

The Task Force concluded that treatment of crime victims in this country is a national disgrace. Our criminal justice system has lost sight of its fundamental purpose—to protect the innocent and to punish the guilty. Victims are often ill-treated, ignored and blamed for what happened to them.

One of the lessons we learned, confirmed by victims, practitioners, and theoreticians alike, is that the manner

Mrs. Herrington is the Assistant Attorney General for Justice Assistance, Research and Statistics, U.S. Department of Justice. She previously served as Chairman of the President's Task Force on Victims of Crime and has a significant background in law enforcement and the criminal justice system.

in which a law enforcement officer treats a victim will affect the victim's ability to recover from the criminal event. This treatment will also affect his willingness to cooperate in the prosecution of the criminal when an arrest is made. Most interesting for me was the praise that many victims had for the sensitive, thoughtful treatment they received from law enforcement officers who handled their cases—a fact that I know comes as no surprise to sheriffs across the land.

A sensitive and compassionate response from the criminal justice professional can produce many long-lasting benefits. At OJARS, we have been working to capitalize on this type of success, on this kind of lesson.

By providing the sheriff with the skills and knowledge to best deal with a victim at a critical moment, we believe we can make an enormous contribution to help these individuals recover from crimes committed against them while, simultaneously, strengthening the hand of the community in combating crime. It is, in fact, for these reasons the National Sheriffs' Association and OJARS are cooperating on a major initiative to enhance the capabilities of the nation's sheriffs for providing victim assistance.

This effort will be started, assisted, supported, and monitored by the staff of the National Sheriffs' Association. At the front end of this initiative, NSA will acquire pertinent project and program information in order to conduct successful victim assistance efforts. The involvement of sheriffs in the establishment and implementation of this effort will be crucial to its success. The Standards, Ethics, Training, and Education Committee, of the NSA will play a critical oversight role during the course of this project.

The NSA project will provide for the development of victim service trainers within the national and state sheriffs' associations, along with development of training and technical assistance materials. Regional seminars will be conducted in eight locations throughout the United States. Each seminar will bring together at least two representatives from each of six state sheriffs' associations for intensive training. Following this effort, each state association will conduct workshops within their respective states. The goal of the project is to enhance the commitment of the nation's sheriffs to provide victim assistance and strengthen their capability to act as facilitators or coordinators of county-wide victim service networks. The project will also provide for upgrading the National Sheriffs' Association's highly successful Neighborhood Watch program to include victim services information.

A substantial amount of material and activity is planned under this ambitious, 12-month project. During the period of the award, the Association will develop:

- ***A Training Program*** with lesson plans, training aids, and student hand-outs for persons assigned to an organizational entity within a department to respond to victims (i.e., a Victim Response Unit).
- ***Guidelines and Replication Strategies*** for developing and establishing a Victim Response Unit.
- ***Materials Describing the Role of the Sheriff*** as the facilitator in a county-wide victim assistance effort, establish relationships with prosecutors, courts, probation and parole personnel, and other law enforcement agencies in the county.
- ***Strategies for Community Involvement*** in victim assistance; identifying and coordinating volunteers, special interest groups, and developing relations with the news media.
- ***A Manual of Model Procedures*** for victim assistance resources to employ in involving Neighborhood Watch groups in their efforts and, conversely, victim assistance packages for use by Neighborhood Watch teams.

In addition, the project will prepare guidelines and a manual for maintenance of records concerning activities of a Victim Response Unit, a manual for case records management that will allow for tracking and monitoring assistance efforts for each victim, and, a state sheriffs association action plan that sets forth guidelines for statewide training and identifies victim support assets of the Association.

More than 90 representatives from the 46 state associations will receive this comprehensive victim assistance training along with operational and management guides during the year of the project award. It has been projected that the associations will, in the year after the award, train and provide materials to eight key sheriffs in their respective states, producing 368 departments nationwide that can provide enhanced services to victims. These 368 are, in turn, to provide aid to four adjoining county departments that should result in nearly 1,500—almost half of the Sheriff's departments in the United States—offices being trained in this assistance effort—truly an ambitious undertaking!

I am pleased to be a member of NSA's Standards, Ethics, Training, Education Committee that will function as a National Advisory Council to the NSA project. This Council will review activities of the project and advise NSA on its role in supporting the sheriff's community in the creation and delivery of services to crime victims. Joining me on this Council are Sheriff Dale Carson (Chairman of the Standards Committee), and 11 other sheriffs from across the nation (NSA Sergeant at Arms Bob Rice, 6th Vice President Henry Healey, 7th Vice President Dwight Radcliff, Belvin Bergeron, Johannes Spreen, Thomas Wilson, Jerry Dall, William Weister, Virginia Donnelley, Andrew Meloni, and Dan Tihonovich); John Otto, Federal Bureau of Investigation; Charles Rinkevich, Federal Law Enforcement Training Center; Jim Cotter, Commission on Accreditation for Law Enforcement Agencies; and, Albert Appa, Illinois Local Government Law Enforcement Officer's Training Board.

Our training packages for law enforcement officials, judges, and prosecutors are completed. With regard to the judges training package, it is

important to note the very successful conference held at the National Judicial College in Reno, Nevada, last November, which was sponsored by our National Institute of Justice. During these meetings, judges from across the country demonstrated their eagerness to be of greater assistance to crime victims and to work with colleagues in the criminal justice system to see that victims' needs are met. At the end of the conference the judges illustrated their concern by issuing a statement saying that, "Victims of crime should not be victims of the criminal justice system."

One of the more significant activities of the program management team involved the cosponsorship of the first National Symposium on Sexual Assault. The symposium, cosponsored by the Federal Bureau of Investigation, was developed in response to a task force finding that identified disparity in the handling of sexual assault cases throughout the country, expressed a concern for how this disparity can affect the prosecution of the offender, and was dismayed over the poor quality of treatment received by victims of this crime. Some 75 specialists—law enforcement officers, judges, prosecutors, rape crisis center staff, forensic scientists, physicians, nurses, and mental health professionals—from around the country, were brought together to share their expertise and to identify the most innovative and effective methods for investigating and prosecuting sexual assault offenders and helping their victims.

The symposium was a true success and will provide those who work in this area with a yardstick against which their efforts can be measured, evaluated and, most importantly, strengthened in ways that will lead to better treatment of sexual assault victims.

The President's Task Force on Victims of Crime also recognized the severity of problems created by family violence and recommended a full-scale independent inquiry into the problem. On September 19, 1983, Attorney General William French Smith announced the creation of the task force that was established to seek ways to improve services at all levels of government to victims of family violence. With OJARS funding and support, the Attorney General's Task Force on Family Violence will make specific recommendations concerning the serious national problem of family violence, giving particular consideration to the abuse and molestation of children, spouse abuse, and mistreatment of the elderly. Chaired by Detroit Police Chief William Hart, the task force began a series of hearings last December in six locations around the country and is expected to complete its work and file a report of its findings and recommendations with the attorney general this spring. We are anxious to receive the proposals of this panel and have high hopes for the leadership they will provide in attempting to understand the problems of family violence and develop programs that will help resolve them.

This NSA-OJARS venture, with its aggressive goals and impressive list of advisors, will work to provide sheriffs and their deputies with the capability to answer victims' calls for assistance that have, for too long, gone unanswered. All the materials developed and the training generated are being designed for the sheriff and deputy—the individuals who will serve as the so-called "point men" in this effort to respond effectively and positively to crime victims. The goals of this project are to provide these people with the skills and understanding necessary to perform this important duty.

By design, this project will cause sheriff's departments across the United States to reach out to other social service agencies in their jurisdictions. While doing so, they will find receptive audiences, for this project is but one part of a multi-faceted, national campaign for victims that OJARS and the Department of Justice have launched.

Shortly after the President's Task Force on Victims of Crime concluded its work, the report containing 68 recommendations was assigned to OJARS for implementation. We assembled a program management team (PMT) to carry out its proposals. In the months that have passed since they started their work, the team has initiated a vigorous program to ultimately achieve full implementation of the Task Force's recommendations. I am hopeful that the PMT is the first step towards establishing a permanent office focusing on victims' issues within the Department of Justice. Initial priorities have included the establishment of a National Victims Resource Center, the development of victim training packages for various criminal justice personnel, and creation of model legislation that addresses twelve legislative enactments proposed by the Task Force.

The National Victims Resource Center, which will serve as a national clearinghouse on victim assistance and compensation programs, state legislation, and a variety of printed and recorded victim information materials, is now handling calls for assistance. Responses have been provided to individuals and organizations seeking to establish assistance programs, to drafters of new victim legislation in the states, and to victims who are in search of referral to service agencies in their communities.

The OJARS victims program team will be working with almost every segment of society that comes into contact with crime victims. In addition to the efforts described above, the team will be working with: hospitals, schools, the organized bar, the mental health community, and the private sector, among others. All of these activities are certain to complement the NSA victim project. To learn more about any of the activities discussed above, please write or call:

Victims of Crime
Program Management Team
OJARS
633 Indiana Avenue, N.W.
Suite 1342
Washington, D.C. 20531
(202) 724-5947

In conclusion, I would like to underscore the significance of the fact that the days of heavily-funded, fed-

eral financial assistance programs for state and local criminal justice programs are quite simply gone. Today's tight budgets at the federal, state and local levels require that we carefully invest every dollar we have available into programs that we know will work, into those people and organizations that we know will succeed.

I feel very strongly that victims must receive humane, dignified, and compassionate treatment from public officials who have been hired to serve them. I know the sheriffs in this country share this view, and that NSA and its executive director are committed to seeing this feeling translated into a reality.

We are looking to the nation's sheriffs to provide leadership to their colleagues in law enforcement and to the community they serve and I, for one, am confident that significant, positive change — in the form of relief and aid for crime victims — is on the way. ★

THE NATIONAL SHERIFFS' ASSOCIATION
VICTIM WITNESS PROGRAM

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THE NATIONAL SHERIFFS' ASSOCIATION VICTIM WITNESS PROGRAM

The NSA/VWP is a planned effort to assist sheriffs to bridge the gap between victims' needs and the manner in which local justice system representatives organize responses to these needs.

The NSA/VWP works with each State Sheriffs' Association (SSA) to provide training and dissemination of information to representatives from each SSA who, in turn, provides assistance, information, and training to local sheriffs' agencies within counties in each state.

Using examples derived from current practices and doctrine, training documents will explain how local sheriffs can design and implement victim-oriented programs. Five generic themes form the basis of the training: community awareness of victimization; prevention of victimization; specific justice system services to victims; analysis of justice system needs and victim service gaps in the county; and, improving coordination of victim services.

Further information about the NSA Victim Witness Program can be obtained by contacting your State Sheriffs' Association or NSA at the address or phone numbers listed above. We welcome any examples or ideas for incorporation into our curriculum and training program.

Sheriff Richard Elrod
President
Chicago, Illinois

L. Cary Bittick
Executive Director
Washington, DC

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The National Sheriffs' Association

Victim Witness Program

General Information

- NSA/VWP National Advisory Council
- Background/Introduction
- NSA/VWP Program Activities
- NSA/VWP Goals, Objectives, Steps
- Victims of Crime Program, OJARS
- Victim Witness Inventory Form

March, 1984

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INTRODUCTION/BACKGROUND

In 1983, President Reagan's Task Force on Victims of Crime identified serious problems associated with the manner in which victims and witnesses of crime are served by the federal and local criminal justice system. Major recommendations were offered by the Task Force to address this serious nationwide problem.

To assist in the implementation of many of these recommendations, a national grant was awarded to the National Sheriffs' Association (NSA) by the Office of Justice Assistance, Research and Statistics in November, 1983. The multi-year grant is to design and provide a nationwide training and technical assistance program to assist sheriffs and State Sheriffs' Associations to enhance and develop local and statewide victim/witness programs and projects. A long-term goal is to aid local sheriffs in developing ways to coordinate countywide victim/witness assistance resources.

There are approximately 3,200 sheriffs' departments in the United States which provide law enforcement, court-related, and, corrections' services. Approximately 85% of these departments provide all of these justice system services in most of the urban, suburban, and rural counties in all regions of the United States.

NSA Executive Director, L. Cary Bittick identified this program as "a major opportunity for sheriffs, State Sheriffs Associations, and local existing programs to become more actively involved in assisting victims and witnesses. The sheriffs of this country are particularly suited to this role because they are the pivotal link between law enforcement, the courts, court officials, and probation departments at the county level."

NSA/VICTIM-WITNESS PROGRAM ACTIVITIES

In 1984, activities of the program will be directed at collaborating with the State Sheriffs' Associations, nationwide, in order to design and deliver a series of regional workshops cosponsored by selected states and attended by contiguous state representatives. The purpose of the regional meetings

will be to assist such associations in understanding the current state-of-the-art practices and programs that focus on the delivery of victim/witness services throughout the federal, state, and local criminal justice system. Each seminar will bring together--at no cost of State Associations---at least two representatives.

Model programs, state developed action plans, and training manuals will be jointly developed by participants for subsequent use within each state.

NSA will also provide regular technical assistance and information support for continuous follow-up with both State Associations and local departments.

In 1985-1986, the program's focus will be directed at assisting, within each state, local departments and State Associations, to implement a replicatıcn of the original training and plans so that several hundred sheriffs' departments nationwide can be trained and assisted by the joint efforts of NSA and the State Associations.

In April, 1984, NSA Guidelines will be sent to all State Sheriffs' Association (SSA) leaders. Each SSA will be asked to designate up to 5 individuals from each state to receive the free training to become state and national experts in victim-witness programming. They in turn will work in 1985-1986 as NSA consultant-trainers in this new program.

For further information about the NSA Victim Witness Program contact:

H. Jerome Miron, Director
NSA Victim Witness Program
Suite 320
1250 Connecticut Avenue NW
Washington, DC 20036

1-800-424-STAR

(202) 872-0422 in the Washington Area.

NATIONAL SHERIFFS' ASSOCIATION VICTIM/WITNESS PROGRAM

GOAL:

To assist Sheriffs, the law enforcement community and the local justice system to implement or to expand appropriate services and to develop local or state procedures that help innocent victims of crime and witnesses.

OBJECTIVES:

- To produce and distribute, nationwide, written texts that describe how the Sheriff and others can plan, develop and implement a wide range of services or procedures that assist innocent victims and witnesses.
- To design and deliver, nationwide, a series of regional workshops for Sheriffs from each State Sheriffs' Association that will enable them to train others in the planning, development, delivery and coordination of county-wide justice system services for innocent victims and witnesses.
- To provide to State Sheriffs' Associations and local Sheriffs' such materials, technical assistance, and training services that are needed to assist them in the expansion, coordination and development of services and improved procedures for assisting innocent victims and witnesses in most counties in the United States.

STEPS:

Year I: 1984-1985

- Research, publish, and distribute appropriate text;
- Design and deliver eight regional workshops for State Sheriffs' Association representatives.

Year II: 1985-1986

- Provision of subsequent training and technical assistance in each state through State Sheriffs' Association and with local Sheriffs.

Year III: 1986-1987

- Provision of assistance for local county Sheriff for lateral, county-wide, expansion of services and procedures for victims and witnesses.

Victims of Crime Program Management Team
Office of Justice Assistance, Research, and Statistics
U. S. Department of Justice

Lois Haight Herrington, who served as the Chairman of the President's Task Force on Victims of Crime, was appointed Assistant Attorney General for the Office of Justice Assistance, Research, and Statistics in the spring of 1983. Thereafter Attorney General William French Smith assigned OJARS the specific responsibility to implement the recommendations of the Victims Task Force, and to provide visible national leadership for the improved treatment of victims. To fulfill these responsibilities, in July 1983 Mrs. Herrington formed a Victims of Crime Program Management Team in OJARS. Presently, the OJARS victims program is able to assist financially only national scope efforts to implement the Task Force recommendations. Accordingly, the current priorities include:

- Developing legislation that can be offered to the states as models for the legislative enactments recommended by the Task Force to remedy the problems for victims in state justice systems;

- Establishing a National Victims Resource Center which will be a clearinghouse and information resource on numerous victims-related subjects (directory of local victim assistance units, state victims legislation, publications, statistics, etc.);

- Developing training packages for prosecutors, police, judges, mental health and hospital personnel on victims subjects.

- Upon completion of each training package, OJARS may award grants to national institutions to deliver the training (e.g., OJARS could fund the National College of District Attorneys to train local prosecutors on victims subjects.);

- Also negotiating grants, in collaboration with the National Institute of Mental Health, to mental health groups to document types and severity of the emotional trauma sustained by crime victims and to develop programs to treat this trauma.

For further information about the OJARS victims program, write:

Victims of Crime Program Management Team
Office of Justice Assistance, Research, and Statistics
U. S. Department of Justice
Washington, D.C. 20531
Telephone: (202) 724-5947

NSAGI/3/84

THE NATIONAL SHERIFFS' ASSOCIATION
VICTIM/WITNESS ASSISTANCE INVENTORY

INSTRUCTIONS: Please complete this form, detach and mail as soon as possible to the National Sheriffs' Association, 1250 Connecticut Ave., N. W., Washington, D. C. 20036. If your have any questions please call toll free: 800-424-7827, ask for Jack Goin or Jerry Miron.

DEPARTMENT NAME: _____

ADDRESS: _____
Street/Number City State Zip

INFORMATION CONTACT: _____
Name/Title Telephone: Area Code, Number

INFORMATION ABOUT THIS DEPARTMENT: Please check, as appropriate. Write in additional information, if desired.

1. There is a victim/witness assistance element now in operation in this department. Yes____No____

2. Victim/witness course materials or topics are included in our recruit or in-service training programs. Yes____No____

3. We are planning, in the near future, to establish
   a) a victim/witness assistance element in our department Yes____No____
   b) a training program regarding victim/witness assistance in either, our recruit or in-service training programs Yes____No____

OTHER PROGRAMS: Other agencies or groups in this county or state that are presently providing assistance to victims or witnesses are:

AGENCY/GROUP	MAILING ADDRESS	NAME OF CONTACT	TEL. NO.

(Please use additional sheets, if needed)

Prepared by: _____ **Date:** _____

NATIONAL SHERIFFS' ASSOCIATION
1250 CONNECTICUT AVENUE, N.W.
SUITE 320
WASHINGTON, D.C. 20036

(202)872-0422 800-424-STAR

NATIONAL SHERIFFS' ASSOCIATION VICTIM WITNESS PROGRAM
OUTLINE OF TRAINING DESIGN

NEEDS ANALYSIS:

There is a gap between crime victims' needs and the manner in which justice system representatives organize responses to these needs. Generally, victims have a need to be protected from further victimization; to obtain fair and humane treatment from justice system representatives; to obtain timely information about what they are expected to do, what resources or help are available to them, and what they may or may not receive from the justice system during the processing of their case; and, the desire to obtain suitable reparation for the losses or damages suffered as a consequence of victimization.

GENERAL APPROACH:

The NSA/VWP is a planned effort to bridge this gap by applied research, training and dissemination of information in collaboration with State Sheriffs' Associations (SSAs) nationwide. Selected representatives from each SSA will be trained to become a statewide cadre of expert consultants who, in turn, will provide assistance and training to local sheriffs' agencies and others within counties in each state.

TRAINING MODEL THEMES:

The training model will be organized around five themes: community awareness of victimization risks, victims' needs, and public education about local gaps in services to victims; victimization prevention and linkages of victims to local crime prevention strategies, tactics and programs; explanation and description of the multiple types of services to victims to be provided by justice agencies (see Figure 1); analysis and evaluation of system gaps and the impact of system services on victims and on the justice system; coordination by the sheriff and others in the development and implementation of improved county-wide services. Each theme incorporates, in effect, a set of multiple services. Using examples derived from current field practices, training documents will explain how to design and implement each service. Emphasis will be placed on the desirability of creating a Victim Response Unit (VRU) within a sheriff's department to oversee the design, delivery and analysis of justice system services to victims and/or to coordinate justice system and county-wide services to victims.

JUSTICE SYSTEM SERVICES:

Figure 1 is an outline of justice system activities that are offender based. NSA has analyzed these activities based on victim needs. As many as forty-four (44) separate transactions which occur between justice system representatives and victims have been identified. Specific training modules will be designed about each transaction or cluster of transactions in order to improve the manner in which justice system representatives respond to victim needs. Model policies and procedures will be developed for use by justice agency representatives.

ROLE OF SHERIFF IN VICTIM SERVICES:

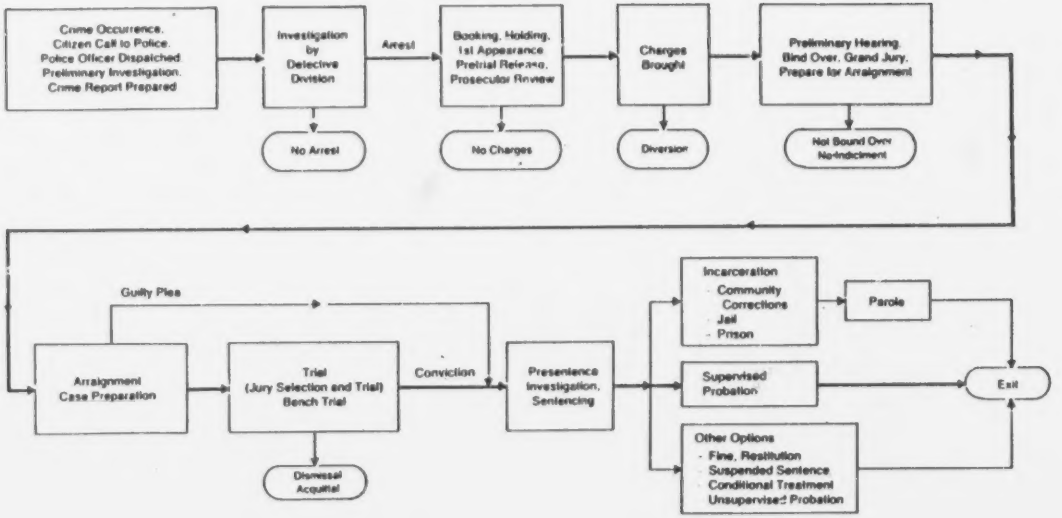
There are approximately 3,200 sheriffs' departments in the United States which provide law enforcement, court-related, and corrections services. Approximately 85% of these departments provide all of these services in most of the urban, suburban, and rural counties in all regions of the United States. As elected constitutional officers in each state, the sheriffs of this country are particularly suited to a victim servicing role in the justice system because they are the pivotal link between law enforcement, the courts, court officials, corrections, and, probation departments at the county level.

FOR FURTHER INFORMATION:

Further information about the NSA Victim Witness Program can be obtained by contacting NSA at the address or phone numbers listed above. We welcome any examples or ideas for incorporation into our curriculum and training program.

VWP/4-84

Figure 1
OVERVIEW OF CRIMINAL JUSTICE SYSTEM ACTIVITIES
FOR FELONY OFFENSES *



* Source: National Baseline Information on Offender Processing Costs

Developed by: Jefferson Institute for Justice Studies, Research Management Associates, and, Institute for Economic Policy Studies, in collaboration with the National Institute of Justice, Washington, DC (1984)

REMARKS OF

William H. Matthews

BEFORE THE U. S. SENATE JUDICIARY COMMITTEE

ON THE VICTIMS OF CRIME ASSISTANCE ACT OF 1984

TUESDAY, MAY 1, 1984 - 2:00 P.M.

Mr. Chairman, Senator Biden, and members of the Committee. I am William Matthews, Executive Director of the National Organization of Black Law Enforcement Executives. We very much appreciate your invitation to appear before you today to present our brief remarks on the importance of financial and other assistance to the victims of crime and the provisions of S.2423, the Victims Assistance Act of 1984, in particular you have been provided with a copy of my remarks for the record.

Before I discuss the substance of my topic here today, I hope you will permit me to make a few important introductions. I would like to introduce Rebecca Coleman who, after being raped and watching her companion killed, took her own life. I would like to

introduce little Mary Jane West--barely five years old when admitted to Children's Hospital with her body limp from the venereal disease transmitted by her abusing father. I would like to introduce Betty Gordon--beaten into unconsciousness by an otherwise benign-looking man bending over her--her husband. I would like to introduce William and Julia Wright, who returned to their new home late one evening and were greeted by a broken window, a damaged front door and the words "nigger house" spray-painted in red. Finally, I would like to introduce Ruth Mort, who says she tries to keep her weeping down to "three times a week" since her two-and-a-half-year-old son Russell disappeared without a trace less than five minutes after going outside to play. Although I have not used thier true names in sharing their horrors, and while none of these individuals can be with us here today--and though each of them is unknown to the other--all of them, and we

too, share the anguish of their common bond: victims of crime who more often than not have been--quietly, conveniently, systematically and even literally--forgotten to death.

Day by day, America's all too familiar crime clock ticks faster and louder for the victims of crime--a victim of murder every 24 minutes; a victim of rape every 7 minutes; a victim of aggravated assault every 51 seconds; a victim of robbery every 68 seconds. Far too many of these victims find themselves looking down the barrel of a handgun--a reality reinforced by the sale of a handgun every 13 seconds. Four hundred of our fellow citizens are killed each <u>week</u>. Before I am able to complete my remarks before you here today, nearly 30 people will have become victims of a violent crime. Look at the person sitting on your left; look at the person sitting on your right. If the statistics are even reasonably accurate, one of the three of you will be the victim of a serious crime in the next year. America the

beautiful is also America the violent.

With few exceptions, urban police departments do not enjoy a constructive relationship with citizens who have been victims of violent crime. Police victim-assistance efforts--particularly in high-crime areas--are likely to fail unless bonds of trust and mutual respect are established well before a person becomes a victim. Police officers must be sensitive to the needs of victims and be informed, knowledgeable and supportive of existing local services and programs for victims of crime. Where victim assistance efforts are either weak, do not exist or are not accessible, the police must exert a proactive and innovative involvement and influence in the development of victim assistance services. In short, law enforcement must think, act, and organize as a community-based institution equally dedicated in word and deed to their role as both peace officers and police officers. Advocacy, referral, information, consultation, responsiveness, and

protection--these must be the brick and mortar for building the future of victim assistance.

Unfortunately, recognizing the plight of victims of crime is a relatively new phenomenon in the American criminal justice system. That system properly has in place many provisions for safeguarding the rights of the accused, but provides unclear and poorly enunciated recognition--and even less protection--for victims. Far too often it is the public who is locked up and the the criminal who is free. Many victims are ignored within the criminal justice process, even when they are needed to obtain a criminal prosecution. Moreover, the perceptions of victims concerning their treatment--or lack of it--by criminal justice officials are often a significant factor in whether victims report and/or pursue prosecution of the offenders. Prior to their victimization, citizens who have been supportive of criminal justice officials too often become disillusioned, and even hostile, after experiencing the

cold and insensitive criminal justice process. Citizen alienation from the system is not consistent with the ideal of equal justice under law. Equally important is the fact that criminal justice officials--especially the police--cannot perform effectively without the cooperation of community residents. On this point, the chairperson of the President's Task Force on Victims of Crime, Assistant Attorney General Lois H. Herrington, has stated repeatedly that:

> Without the cooperation of victims and witnesses in reporting and testifying about crime, it is impossible in a free society to hold criminals accountable. When victims come forward to perform this vital service, however, they find little protection. They discover instead that they will be treated as appendages of a system appallingly out of balance...treating the victim with institutionalized disinterest.

It is unfortunate as well that in areas where the rate of criminal victimization is the highest--such as in inner-city neighborhoods--police-community trust is frequently the lowest and the response to the victim

the weakest. NOBLE believes that the key to increasing community trust and understanding of the role and function of the criminal justice system--especially the police--lies not in how many arrests are made. There are numerous examples of high levels of citizen fear of victimization and its aftermath in areas where there are extremely high arrest rates. The key lies in how well the police interact with and react to neighborhood residents before and after reported criminal victimization. The quality of police initiatives before citizens are victimized must be as strong and credible as the quality of police responses after a crime has been reported. If the police are to gain the trust, cooperation and respect of victims of crime, law enforcement agencies must begin at the neighborhood level to do at least three things.

First, the police must identify and learn to work effectively with the community's law-abiding infrastructure--the silent and victimized majority. Even in

the "toughest" inner-city neighborhood, there are far more law-abiding repeat victims than career criminal offenders. The police must neither perceive victims as likely offenders nor blame victims for their condition or situation.

Second, the police must take the leadership role in organizing the law-abiding silent and victimized majority around a shared program of crime prevention and victim/witness responsibility. The police organization must take its rightful place as one of several community groups capable of using both formal and informal social control approaches.

Third, law enforcement agencies must change their structure, policies and procedures to insure a compatibility with the emergence of the police as a proactive community organization with an intimate knowledge of the problems in each neighborhood--especially the plight of those residents who have been victims of crime.

Over the years the role of the police in the community has become a negative reaction or response to citizen calls for assistance. The phenomenal growth in urban centers over the last three decades has caused a corresponding increase in the variety of citizen calls-for-service over a broader geographic area. Within a thirty-year period, the police have gone from a community-based service organization to a radio-dispatched response organization; the police now are no more familiar to neighborhood residents than radio-dispatched taxi drivers. Local law enforcement agencies have been separated even from those communities where police-community trust and general good will have never been serious problems. It is not altogether unexpected--though it remains inexcusable--that this situation has contributed to an unacceptable relationship between the police and the victims of crime.

As part of NOBLE's long-standing commitment to the improvement of police-community relations in general--

and the active pursuit of the interests of crime victims in particular--our organization is undertaking a number of important initiatives on behalf of the law enforcement community.

First, in March of this year NOBLE began an 18-month program--with financial support from the Office of Justice Assistance, Research and Statistics of the U.S. Department of Justice--to assist forty (40) urban and suburban law enforcement agencies throughout the country in identifying training and evaluation criteria germane to victim assistance and constructive police-community relations. Specifically, NOBLE will assist police agencies in achieving the following objectives:

- o change personnel allocation, distribution and workload to allow for proactive victim assistance by patrol officers, including regular communication with every victim of violent crime and effective referrals to appropriate social service agencies

- o make crisis counseling available to every victim of violent crime and at least 25% of the victims of non-violent crime such as household burglaries
- o develop methods for organizing community service groups around quality-of-life and victim assistance issues--such as emergency monetary aid and a 24-hour victim assistance hotline
- o assist and facilitate
- o develop a program for police-community cooperation and educational dialogue in high-crime inner-city areas, including the involvement of citizens in the development of neighborhood policing priorities
- o organize victim assistance and criminal justice system information for community dissemination
- o develop performance evaluation criteria

for patrol officers that recognize responsiveness to the needs of crime victims

- o establish victim assistance sensitivity in-service training for line officers.

In addition to these specific action steps, NOBLE will increase police awareness of the plight of victims by utilizing the office of the executive director in a victims advocacy role, such as my appearance before you today. Both the president of NOBLE, Deputy Superintendent Ira Harris of the Chicago Police Department, and I will actively encourage our membership of 850 command-level executives to implement the action objectives described earlier.

I would like now to address myself briefly to the specific provisions of S.2423, the Victims Assistance Act of 1984. The National Organization of Black Law Enforcement Executives endorses the general thrust of

this legislation. We believe, however that the importance of victim's rights and services to victims of crime - including compensation - demands a more significant allocation and a more stable source of funds than is proposed in the legislation through the assessment and distribution of fines on criminal defendants. Moreover, the bill should not, as proposed in Section 102 - the so-called Son of Sam provision - be directed in any way to defendants who, because of public interest, may be able to gain financially from their alleged involvement in a crime. As written the bill is certain to create bureaucratic and administrative frustrations for victim assistance efforts by dealing in any way with defendants who are innocent until proven guilty. We do not see at present a favorable cost-benefit scenario either for crime victims or for the criminal justice system as a whole in this provision.

NOBLE is in strong support of Section 104, which

provides victims the opportunity to appear at parole hearings for the purpose of giving the parole authority a victim impact statement. We believe that this section could be strengthened further through an amendment permitting a representative of the victim to appear as well, since the primary victims may be dead, trumatized or otherwise unable to appear, or may be without relatives or survivors.

NOBLE also hopes that the Committee consider a longer period of time than is presently anticipated for the imposition of a "sunset" date. We believe that while a definite period be established for evaluating the effectiveness of the legislation, the December 31, 1987 date for the Attorney General's report does not provide an adequate period for meaningful review of the program, since the evaluation itself would have to begin at least 6 months to a year before that time. Even if the bill becomes law this year, the program only would have been operating for about 2 years - 1984 to 1986 -

before the evaluation is begun. Similarly, the proposed "sunset" date of September 30, 1988 is not altogether reasonable given the impact and importance of the program.

In addition we would like to make some observations on a few of the provisions governing disbursements from the Fund to the states. First, we are pleased that the bill requires that compensation to crime victims include the costs of mental health counseling. Second, we are concerned, however, that the bill prohibits money from the Fund being used to pay administrative expenses of a state's victim-compensation program. We believe that since reasonable and efficient administration is an essential part of any service delivery system, it would be more realistic to place a ceiling - perhaps 10% - on the payment of administrative costs rather than an outright prohibition. This would, in fact, permit states to spend more money <u>directly</u> on victim compensation which after all, is primarily a state

responsibility and would directly benefit crime victims. Moreover, NOBLE would like to see any federal monies that remain after all allocations to the states for victim compensation have been made to remain in the Crime Victims' Assistance Fund, rather than deposited in the General Fund of the Treasury.

Finally, we believe that the thrust of the eligibility criteria under Section 203 for recipients of monies from the 30% "victim assistance' pool may adversely impact many of the community self-help and service provider groups who, after all, are usually those closest to the problems faced by crime victims and who usually involve the most direct participation by crime victims themselves in helping other victims. While demonstrating a record of quality victim assistance and having financial support from sources other than the Fund itself are both worthy criteria, it must be recognized that they unquestionably, favor the more established and traditional organizational sources

of victims assistance and service delivery, while discouraging the formation of new and responsible community service groups. At the very least, those more well-established organizations who are likely to meet the eligibility criteria should be required to assist in the formation of new community groups and to share their financial and other resources with them. This can only benefit the victims of crime - that is after all what we are all here to do.

Thank you and good afternoon.

NATIONAL COALITION
AGAINST
DOMESTIC VIOLENCE

1500 MASSACHUSETTS AVE., N.W., STE. 35 · WASHINGTON, D.C. 20005 · TELEPHONE (202) 347-7017

I HAVE COME HERE TODAY TO PRESENT THE OPINIONS OF THE NATIONAL COALITION AGAINST DOMESTIC VIOLENCE ON THE VICTIMS OF CRIME ASSISTANCE ACT. NCADV IS A GRASSROOTS, MEMBERSHIP ORGANIZATION REPRESENTING MORE THAN 700 SHELTERS FOR BATTERED WOMEN AND MANY OTHER DOMESTIC VIOLENCE PROGRAMS AND SUPPORTERS THROUGHOUT THE COUNTRY. ALTHOUGH OUR EXPERTISE IS IN THE FIELD OF DOMESTIC VIOLENCE, WE CAN EASILY EXPAND OUR CONCERN AND ADVOCACY FOR FAIR AND COMPASSIONATE TREATMENT FOR ALL VICTIMS OF VIOLENT CRIME. WE DO SO TODAY BY VOICING OUR SUPPORT OF SENATE BILL 2423.

MANY PEOPLE'S THOUGHTS GO INTO THE MAKING OF A BILL. I WOULD LIKE TO ADD OUR THOUGHTS WITH THE INTENTION OF STRENGTHENING A FUNDAMENTALLY PRAISEWORTHY PIECE OF LEGISLATION.

OUR ANALYSIS BEGINS WITH THE CRIME VICTMS' ASSISTANCE FUND. THE SOURCES OF REVENUE ARE CLEARLY APPROPRIATE. ALTHOUGH REVENUES FROM APPROPRIATION OF ROYALTIES CANNOT BE ESTIMATED AT THIS TIME, IT IS CERTAINLY A JUST AND INNOVATIVE SOURCE OF FUNDS. WITHOUT COMMENT ON THE RELATIVE VALUE OF ALL SOURCES OF FUNDS, NCADV SUGGESTS THAT THE FUNDING MECHANISMS PROPOSED IN H.R. 3498 BE ADDED TO THE PROPOSED SOURCES IN S.2423. THEY ARE ALL APPROPRIATE AND THEY REPRESENT THE COMBINED WISDOM OF THE HOUSE AND THE SENATE. BECAUSE THE NEED IS SO GREAT, IT WOULD BEHOOVE US TO COMBINE RESOURCES RATHER THAN WHITTLE AWAY OUR OPTIONS.

ONCE GENERATED, FUNDS MUST BE DISBURSED IN A MANNER BEST FITTING THE PURPOSES OF THE ACT. ONE OF THE PURPOSES IS TO ENCOURAGE STATES TO PROVIDE DIRECT FINANCIAL ASSISTANCE TO VICTIMS OF CRIME. STATES WITH EXISTING VICTIM COMPENSATION PROGRAMS WILL BE ABLE TO INCREASE THE AMOUNT OF MONEY THEY SPEND ON VICTIM COMPENSATION--A WELL-DESERVED AND DESIRABLE RESULT. UNFORTUNATELY, THE STATES WITHOUT EXISTING PROGRAMS WILL BE LEFT FAR BEHIND UNLESS THERE IS A GREATER INCENTIVE THAN A 10 PER CENT REIMBURSEMENT. NCADV SUPPORTS THE ALLOCATION OF 50 PER CENT OF THE FUND FOR VICTIM COMPENSATION AND SUGGESTS A 50 PER CENT CEILING ON REIMBURSEMENT TO THE STATES.

ELIGIBILITY CRITERIA FOR STATE PROGRAMS ARE WELL-CONSTRUCTED. WE SUPPORT EACH CRITERION AND FURTHER RECOMMEND THAT THE NON-SUPPLANTATION CLAUSE IN SECTION 202 BE APPLIED TO STATE FUNDING OF VICTIM ASSISTANCE PROGRAMS AND

ADDED TO SECTION 204 IF THAT SECTION REMAINS IN THE BILL.

OUR MAJOR CONCERN IS FOR THE DISBURSEMENT PLAN TO CONSISTENTLY CHANNEL FUNDS TOWARD THE BENEFIT OF VICTIMS AND ONLY UPON SATISFACTION OF FUNDAMENTAL VICTIM NEEDS SHOULD MONEY REVERT TO THE GENERAL FUND OF THE TREASURY. THEREFORE, WE RECOMMEND THAT ANY VICTIM COMPENSATION FUNDS REMAINING UNSPENT BE AVAILABLE FOR AWARD TO THE STATES' VICTIM ASSISTANCE PROGRAMS.

OUR FINAL SUGGESTION ADDRESSES SEVERAL SECTIONS OF THE BILL AND PROPOSES AN ALTERNATIVE. IT WOULD SEEM MOST EFFICIENT TO REQUIRE STATES TO PROVIDE VICTIM ASSISTANCE SERVICES FOR VICTIMS OF FEDERAL CRIMES AS ARE PROVIDED TO VICTIMS OF STATE CRIMES. THIS COULD BE ACCOMPLISHED IN PARALLEL FASHION TO THE DISBURSEMENT OF VICTIM COMPENSATION FOR FEDERAL CRIMES BY THE STATES. NATURALLY STATES WOULD EXPECT ASSISTANCE IN EXPANDING THEIR SERVICES TO FEDERAL CRIME VICTIMS. THIS WOULD REQUIRE A REDISTRIBUTION OF THE FUND.

NCADV PROPOSES REDISTRIBUTION NOT ONLY TO ABSORB VICTIM ASSISTANCE SERVICES FOR FEDERAL CRIME VICTIMS BUT ALSO TO ENSURE THAT VICTIM SERVICE PROGRAMS RECEIVE FUNDING FOR THOSE SERVICES WHICH THEY ARE MOST CAPABLE OF PROVIDING.

WE THEREFORE RECOMMEND THAT THE 20 PER CENT FUND ALLOCATION BE DIVIDED SO THAT 10 PER CENT IS SET ASIDE FOR FEDERAL AND STATE VICTIM COURT ASSISTANCE PROGRAMS AS DESCRIBED IN SECTION 203(b)(2) and (3) AND THE REMAINING 10 PER CENT BE ADDED TO THE 30 PER CENT ALLOCATION FOR CRISIS INTERVENTION SERVICES.

OUR SUGGESTIONS ARE OFFERED IN THE SPIRIT OF SUPPORT FOR THIS VITAL PIECE OF LEGISLATION. WE TRUST THAT THE COMMITTEE WILL WEIGH THE VARIOUS POSSIBILITIES AND DECIDE UPON THE CLEAREST FORMAT TO SUPPORT THE LAUDATORY INTENTIONS OF THIS BILL. THANK YOU FOR THE OPPORTUNITY TO ADVOCATE ON BEHALF OF THE VICTIMS OF VIOLENT CRIME.

By

Donna Medley
Executive Director
National Coalition Against Domestic Violence
1500 Massachusetts Avenue, N.W., Suite 35
Washington, D.C. 20005

The CHAIRMAN. I have some questions that I would like to ask each of you. We may have some more questions for the record.

How do crime victims compensation assistance programs on the State level facilitate the work of law enforcement?

Mr. ZWEIBEL. I believe that the victim compensation programs, as well as victim assistance programs, aid law enforcement because of the fact that victims are more willing to cooperate as a result of having been more involved in the criminal justice system. As a result of having received assistance from the system, there is a willingness to participate in the system.

The CHAIRMAN. Does anybody else have a comment?

Mr. MIRON. We would agree with that, Senator, in this sense. The conditions for compensation vary from State to State. In some States, compensation is done only as a condition of having been involved with reporting the crime to the police. And anything that contributes or acts as an incentive to increase reporting of crime to the police and involvement with the law enforcement community in the investigation of the crime will, of course, contribute to the role of enforcement.

In a lot of areas there is a decline in the number of reported crimes, based on UCR data, compared to the number of crimes that are committed, based on the National Crime Survey [NCS] data. The more we can bridge that gap through this kind of an incentive, the better law enforcement will be able to perform its duties.

The CHAIRMAN. Does anybody else want to comment on that?

Mr. MATTHEWS. We generally agree with the two comments, except we would amend that by saying that that presupposes that a significant amount of victim assistance and compensation these programs in general get to the areas where they are most surely needed. In the inner city areas, where we have a great deal of violent crime, black-on-black crime, to be particular, these kinds of services do not usually get down that far.

We feel that, if a concerted effort is made to make sure that these kinds of services, victim assistance services and compensation, to be sure, are provided to any areas where there is the greatest problem, it will in fact aid in law enforcement efforts.

The CHAIRMAN. Do you have any comment?

Ms. MEDLEY. I would just like to say that in the shelter programs throughout the country, we have a self-help model where a number of times women go with other women who have been through the court system. What that does is to demystify that whole criminal justice system, when somebody just like you says that I have been through it and I can do it and I will help you, too. That is how it works with us.

The CHAIRMAN. Several witnesses in their statements have expressed concern about the reversion of funds to the General Treasury. Would you care to comment on that aspect of the legislation?

Mr. MATTHEWS. In NOBLE we believe that the money should go back into the victim assistance fund. Any left-over money should go back into the victim assistance fund. They should not be penalized at all in terms of good administration. That money should be there.

Mr. ZWEIBEL. In my remarks I indicated that it was estimated, I believe, by OJARS that $45 to $75 million will come into this fund

as a result primarily of the fines. Based on the 1983 figures of the expenditures of the compensation programs throughout the country, it would appear that only $5.9 million would be available to the compensation programs. Only $5.9 million would be available to the compensation programs as a result of that 10 percent feature.

Since 50 percent is to be set aside in the first instance, that could mean that, assuming that the fund only brought in $50 million, that approximately $20 million would go back to the Federal Treasury. We think that these moneys are needed to assist the compensation programs as well as the assistance programs, the compensation programs and the assistance programs, we feel that all of the moneys, whether it is $45 or $75 million, could very well be utilized in both of these areas. We do not think, therefore, that it should go back into the General Treasury.

Mr. MIRON. Senator, it was in anticipation of that problem occurring that we therefore in our statement recommended changes or modifications in the language or regulation that would enable a State to apply for victim compensation startup funds, particularly those 13 or 12 States like Alabama, Arizona, Arkansas, Georgia, Idaho, Maine, Missouri, New Hampshire, South Dakota, Utah, Vermont, and Wyoming, who do not have victim compensation laws, to hold out the carrot of modest funds to facilitate the startup costs associated with beginning a victim compensation program in those States. And the same thinking dominated our analysis of having discretionary authority given to the State administrator to use certain set-side funds for discretionary purposes to aid new victim assistance programs that may not meet all of the mandatory requirements of the model that is envisioned in this particular section 203.

Mr. MATTHEWS. I would like to add to that, Mr. Chairman. We do not really believe that there would be any money left in the fund. To the extent that there is money left in the fund, I think that is a general indication that the money has not reached its target area. There are certainly many victims of crime. There will be no excuse, in my mind, and I think in the minds of our membership, for having money remaining in that fund.

The CHAIRMAN. Do you have any comment on that?

Ms. MEDLEY. No, I just repeat everything everyone has been saying at this point.

The CHAIRMAN. Now I want to ask you this. Should the Federal Government specify how much goes to compensation versus assistance, or should we leave that decision to the States?

Mr. ZWEIBEL. I believe that there is a need, there probably is a fairly equal need to provide these funds for compensation as well as victim assistance. I think it would therefore be equitable to divide the fund in half and provide approximately half for compensation and half for victim assistance.

The CHAIRMAN. Do you think the statute ought to do that, or should we leave it to the States to determine how it is divided?

Mr. ZWEIBEL. Well, I think if you——

The CHAIRMAN. Some might have a greater need than others.

Mr. ZEIBEL. I really have not given it that much though. I think that overall, throughout the country, from my survey as president of the National Association of Crime Victim Boards, I think that

there is pretty much an equal need on both sides for compensation and victim assistance. And I do not think we would go very wrong with splitting the fund. However, there clearly would be more flexibility for the States to put it in the area where it is most needed——

The CHAIRMAN. The question is whether you want to mandate by the Federal Government how it is divided or whether you want to leave it flexible for the States to determine their own needs.

Mr. ZWEIBEL. My preference would be to split the fund because I think basically there is pretty much an equal need——

The CHAIRMAN. You want to mandate it by the Federal Government that they would have to split the funds?

Mr. ZWEIBEL. I think, on balance, it probably would——

The CHAIRMAN. Then suppose one State had a greater need in one aspect than another? How would you handle that?

Mr. ZWEIBEL. Well, I guess the——

The CHAIRMAN. You do not want to leave it to the States?

Mr. ZWEIBEL. I find it difficult to believe that in any State there is not pretty much a very substantial need in both areas. And we are talking about a limited amount of funding anyway. We are talking about probably a maximum of 75 million nationally. So, I do not really think that this would be a problem. I think that all of the available funds that would go to the States, even on a split basis, would be able to be utilized beneficially in both areas, with each receiving 50 percent.

Mr. MIRON. The victim compensation programs are a kind of species of insurance program. I think it is well within the fiscal and legal responsibility of the Federal Government to mandate the distribution of funds that go to those compensation/social insurance programs and a certain percentage of assistance to support victims of crime programs.

I have no quarrel with the way in which that formula is divided now in the current legislation. In principle, I think the Federal Government——

The CHAIRMAN. Would you especially object to either way, if it is done either way?

Mr. MIRON. Sir?

The CHAIRMAN. Would you especially object if it is done either way, either mandate it or leave it to the States?

Mr. MIRON. No. I would not have any objections.

The CHAIRMAN. How do you feel?

Mr. MATTHEWS. Our basic inclination is to go with the 50-50 split. Being realistic, there may be in fact some States who may see it another way. I think there ought to be, perhaps, some provision where a State is allowed to appeal or otherwise modify that split, based on some compelling evidence on their part that the need exists either for assistance or for compensation. So, I think there ought to be some provision where the State can in fact exercise some discretion. But I think the Federal Government has the responsibility to pretty much mandate that split.

The CHAIRMAN. How do you feel?

Ms. MEDLEY. Mr. Chairman, I think you can do both. I think the 50-50 percent split would be a strong statement that there is a commitment to both victim compensation and victim assistance oc-

curring in the States. But you can build in flexibility by stating up to 50 percent, where, if there is an excess, it would go to the other program, or unspent funds in one area could go to the other area, and allow the States to see how that mix settles.

Mr. MIRON. In fact, the more I think about it, if I may, Senator, the more I feel that taking out of the local State political context the decision as to which percentage of the fund will go to compensation and/or to victim assistance, the more that that kind of political decision is not made at the State level, so that they can get on with the business of distributing and encouraging the development of the programs, better off this program will be.

For that reason, I suggest that the Federal Government bite that bullet and say, OK, here is the way it is going to be distributed.

I would just be afraid, given the growth of need as well as the underfunding of certain programs, and so forth, that there might be a kind of balkanization within States about arguments on who is going to get what percent. If that can be offset at the beginning by a Federal rule or regulation, I think it would make for less rancorous a program.

The CHAIRMAN. Are there any other remarks now?

If not, we will close the hearing. I again want to express my appreciation to this panel and to all the witnesses who came and testified today. I think their testimony will be very helpful. Thank you.

We stand adjourned.

[Whereupon, at 4:50 p.m., the committee was adjourned.]

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